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in Ontario

Ombudsmen in Universities

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BRIEF to the COMMISSION on POST-SECONDARY EDUCATION in ONTARIO

This brief was written in response to the draft report of the Wright Commission and was approved by the executive of C.A.U.T. Oral testimony was presented on behalf of C.A.U.T. by Professors C. Knapper, D. C. Savage, T. J. Scanlon and B. McFarlane on March 23, 1972.

O.C.U.F.A. has also submitted both an initial brief and a reply to the draft report.

The Canadian Association of University Teachers is an association representing some 16,000 university professors in all ten provinces. Although we have been deeply interested in the work of this commission since it was appointed in 1969, we have, until now, left the representation of faculty concerns before it to our colleagues in Ontario, particularly to our affiliated provincial association, the Ontario Confederation of University Faculty Associations (O.C.U.F.A.). Since, however, your draft touches on matters of national interest, the Executive of C.A.U.T. wishes now to indicate to you that we support, in general, the concerns expressed to you by O.C.U.F.A. and to tell you of our support for certain of your proposals and of our alarm at others.

What we should like to do today is make some very brief comments on a few issues — the question of discrimination against women, the question of manpower planning, the problem of faculty workloads — before moving on to deal at greater length with two related and critical issues — the possibility of more centralized university government in Ontario and the matter of tenure.

In some cases, we are entirely in agreement with your general conclusions and recommendations; in other areas, we are not. We will try to be equally candid in both cases. We recognize that there are many other important sections in your brief, but we felt we should restrict ourselves to matters within our competence. In general, we agree with your viewpoint in relation to women academics and also with your concern about manpower planning. We are distressed about your analysis of faculty workloads. We are rather more worried, however, from our viewpoint as a federal organization, about your proposals with relation to university government and, most important of all, about your comments on tenure.

In your draft report, you make a very strong statement about what you call “a most glaring case of discrimination . . . that against women.” C.A.U.T. is equally concerned about discovering any evidence that there has been discrimination against women academics. Our most important committee, the Committee on Academic Freedom and Tenure, has always been ready to undertake the investigation of any specific case in which such discrimination within the universities is alleged. More recently, we have pushed our investigation into the matter still further through our Committee on the Status of Academic Women. Our concerns are reflected in your report and we strongly support recommendation number 43 that “discrimination on the basis of sex in pay, rank and date of advancement should be abolished” anywhere it now exists.

We have not concluded enough research to decide whether or not your recommendations for implementation are practical and the most effective possible. But these are questions of detail and of application; basically we want to make the point that we welcome your suggestions as honest ones designed to tackle a real problem. If they will help achieve your goals in this area, then we believe they should receive very careful examination.

Highly qualified manpower

The C.A.U.T. has also spent a great deal of time looking at the problem of highly qualified manpower. Our conclusion — and it has been supported by other professional groups — is that the absence of proper data makes it difficult to gauge the need for and the proper size of present academic programs, the need for and present size

of possible new programs and, indeed, the relevance of any particular approach to an immigration policy. In short all our work support your conclusions. Therefore we strongly endorse the general tone of your recommendation number 46 which calls for federal-provincial action to establish a Canadian Human Resources Commission which would, among other things, "sponsor and publish studies on manpower predictions and educational planning." However, we are not yet in a position to say whether your specific proposal is the best way to achieve this goal. Perhaps, given more time, we will be able to provide you with more detailed comments on your proposal.

We consider that the proposal embodied in table E-3, "Typical Unit Incomes and Expenditures in Universities and Colleges" reveals a grave misconception of the manner in which universities function. You recommend increasing all faculty contact teaching hours to a minimum of 13 hours per week. You then suggest two hours of preparation for each lecture, for a 39-hour work week. However, you seem to think that university education is totally defined by the lecture and the specific preparation for that lecture. You do not take into account that preparation involves not only assembling material for a particular lecture but also the time involved in keeping abreast of one's subject, to say nothing of contributions to the development of new knowledge. You neglect the correcting of essays and exams or consultation with students. You assume the complete absence of administrative duties and committee work and totally reject any concept of the university as a community scholars where dialogue between faculty and faculty as well as faculty and students is involved. As the brief from Carleton University pointed out to you, the suggestion of a student faculty ratio of 24 to one, with a student course load of five courses, would mean that the average faculty member had 120 students enrolled in the courses he taught. The Carleton brief then speculated that if such a faculty member devoted half an hour *per term* to marking the work of each student (surely not enough) and talked to the student for half an hour *per term* (again very little), this would involve eight hours work a week in a term of 15 weeks, thus increasing the workload to 47 hours per week again without considering the setting and correction of examinations, thesis supervision, committee work and administrative responsibilities and the less formal scholarly dialogue that we believe should be a part of the university. Furthermore, we believe that research and the development of new knowledge is a fundamental commitment of the university and should be a part of the university teacher's regular workload.

Faculty workload

The calculation of faculty workload is not a very precise science at the moment. However, if that workload is to be calculated, it

should be done to indicate the totality of the professor's responsibilities. Since the most detailed and authoritative studies of faculty workload, those of Toronto and California, indicate a normal workload of 60 hours per week, the C.A.U.T. considers that in an area of such importance to the university and its faculty, it is especially incumbent on you to make available all the research and studies that you have commissioned on this subject. It is clear from the Toronto and California studies that if you wish seriously to propose an increase in contact hours, you must suggest the elimination of such other professional commitments as consultation with the students. You may argue that your assumptions are based on the continuation of the traditional academic year and a lengthy summer vacation to be devoted to scholarship and research. But the traditional university year is really no longer with us. Many academics teach summer school and more and more this is becoming a requirement of university contracts. Ontario universities are now experimenting with additional spring terms. Furthermore many administrations find it convenient to schedule some administrative tasks to be undertaken by faculty in the summer months. It seems to us, therefore, that you must as a minimum make clear your position on the university year before enunciating a workload policy.

In connection with faculty workload, you also seem curiously wedded to the concept of the lecture. Universities, however, are experimenting with a variety of new techniques in terms of independent study, inter-disciplinary seminars, role playing and the like. Typically these experiments are applauded but it is usually forgotten that they entail more, not less, faculty time in terms of supervision and preparation. A rigid faculty workload policy based on the lecture as a unit could easily force the university to abandon educational experimentation and revert to more traditional ways of teaching. Regrettably the purpose of much of the discussion of faculty workload seems to be a bureaucratic quest to find enforceable norms that will make supposedly lazy professors work. Present research does not support the assumptions of this quest. No one doubts that there are individuals, as in every walk of life, who abuse the system. However, the solution is proper evaluation and proper codes of professional ethics. What are administrators paid for—to make judgments or to apply mindless rules? Finally we would point out to you that large classes, the elimination of seminars, the ending of personal consultation, computer-marked exams and the like would decrease the cost of university education. But, we suggest that the events of the last decade, particularly in the United States and in France, have shown the folly of turning the university into a factory in a centralized bureaucratic system and the inevitable revolt of the students against such dehumanizing institutions. We shall have more to say about the quality of education at the end of our brief.

Freedom and public accountability

There is one area in your report in which you have struggled with the eternal problem of public financing of universities and where you try to balance freedom for the university with public accountability for the spending of public funds. The public has a right to demand an accounting of the spending of its money and we are in full agreement with you that the decision-making process of the universities must be open to public view. We are also equally concerned with you that there be freedom for the many universities in the province to go their individual ways. Despite the defects and apparent rigidity of a formula system tied to the basic income unit, it did attempt to meet this problem; it tried to provide an income that would provide maximum freedom with maximum accountability. We believe that a way must be found to provide funds for the universities that will allow them to make their own academic decisions. We wish we could produce our own magic formula to satisfy this desire.

Whatever the weaknesses of our own efforts to find a solution we must say, in all candor, that we do not believe you have done much better. You have not seriously assessed the present role of the C.O.U. and of O.C.U.F.A.'s proposals to make that body more representative. You state quite clearly (on page 35) that "experience in multi-campus jurisdictions shows that a single governing board for whole systems leads to bureaucratization and homogenization" and then — on the very same page — you recommend a structure that is aimed at establishing that very system. You wish to give your proposed Co-ordinating Board for Universities the power:

- a. To establish new faculties and programs and discontinue unnecessary faculties and programs, at both the undergraduate and graduate level.
- b. To establish a general admissions policy for the institutions under its jurisdiction.
- c. To distribute operating and capital funds among the institutions.

In short, your new central, single board would decide — for all the Ontario universities — what students get in and how, what programs are offered and where, who gets what money and how. It does not seem to us that there is very much left of local autonomy or freedom from bureaucratization, and we are alarmed at what appears to us to be your philosophy that "executive powers are necessary . . . to stimulate . . . voluntary co-operation . . ."

At one point it appeared that you might have provided an alternative in recommendation 62, which states that "Institutions should be free to set their own tuition fees." Unfortunately, the lighter print below

this bold-faced resolution appears to destroy the point of that suggestion. It states:

While the government agencies responsible will assume uniform costs and fees throughout the province, institutions should be allowed to increase or decrease their fees. The co-ordinating board would, of course, seek justification for any large departure from provincial norms. The Commission does not anticipate any drastic departures from such established norms.

We are not convinced that any freedom of action has been left by that proposal.

Tenure

We are most concerned, however, about the matter of tenure which is at the heart of whole tradition of Canadian academic practice. After reading your "Draft Report" we cannot believe that you are fully aware of the tradition of academic freedom in Canada or of its significance and we wish to concentrate on this particular subject for the balance of this brief.

The C.A.U.T. finds it highly disturbing that the Commission dismisses the history and development of academic freedom in this country in one rather off-hand paragraph (recommendation 60). We consider that the explanation of this recommendation betrays a misunderstanding of one of the bulwarks of academic freedom, namely tenure.

Tenure is the most vital defence of academic freedom in existence in Canadian universities. It ensures that professors have the freedom to teach and to conduct research in their own fields which may be critical of the accepted views of the discipline, profession or society. It ensures that professors will not be victimized for unpopular views expressed inside or outside the university. It ensures that professors will be judged on the only grounds that count — are they any good as teachers and as scholars? Tenure ensures a fair and equitable procedure to judge that competence and any challenge to it. Nor do we consider tenure as a special gift to professors; rather, tenure is justified by the benefit to society of a free and critical professoriate. We know from nearly a quarter of a century of experience that there are those within and without the university who do not always wish professors to have this freedom. The majority of cases appealed to our association involving tenure or the denial of tenure concern faculty members who hold unpopular views. One of the signs of the times is the growing use of "compatibility" as a criterion for the continued employment of professors. But the university is not a club and will die if it is treated as such.

It serves society and in the twentieth century it serves society best by re-examining the assumptions of knowledge and of conventional wisdom.

Furthermore the teaching profession shares with certain others such as journalism, a particular concern for the freedom to express one's views. We would hope that far from curtailing tenure it would be extended where appropriate to other professions. Professor Fritz Machlup has put the point concerning the special problems of the teaching profession rather well:

With regard to some occupations, it is eminently in the interests of society that men concerned speak their minds without fear of retribution . . . The occupation work of the vast majority of people is largely independent of their thought and speech. The professor's work *consists* of his thought and speech. If he loses his position for what he writes or says, he will, as a rule, have to leave his profession, and he may no longer be able effectively to question and challenge accepted doctrines. And if *some* professors lose their positions for what they write or say, the effect on many other professors will be such that their usefulness to their students and to society will be gravely reduced.

The critics of tenure say it protects incompetents from dismissal and that it is just another name for permanent job security. These critics are simply not accurate. Tenure does not mean that incompetent professors should have a post for life. It does not mean that professors who persistently neglect their duties should have such a post. It does not mean that professors who break the law should avoid the consequences. C.A.U.T. firmly believes that universities should fire incompetent professors whether tenured or untenured. What tenure means is that if the universities want to make charges such as incompetence, they must prove these charges before a fair and impartial tribunal. Political, racial, religious and academic prejudice is usually dressed up in other colours. The only defence for an academic falsely accused of incompetence or anything else as a cover for such prejudice is a truly fair hearing. We know from experience that if a university has a proper procedures and uses them, the incompetent usually resign rather than face a hearing. If it does not have proper procedures, the unpopular professor may be dismissed, and the incompetent may masquerade as the victim of tyranny.

We note that the Commission does, in fact, favour "proper procedures." However, every institution, including the bleakest of Dickensian schools, is convinced that it has proper procedures. The Commission would make its recommendations much more meaningful

and much less pious if it recommend that universities and community colleges adopt procedures in the spirit of the C.A.U.T. Policy Statement on Academic Appointments and Tenure, a copy of which is attached along with two other documents on tenure. [C.A.U.T. Primer on Tenure; A. E. Malloch, "The Nature of Tenure," *O.C.U.F.A. Newsletter*, December 1971.]

If the universities do not fire incompetent professors, then the fault lies largely with university administrators and with committees whose duty it is to carry out these policies. If the administrators are too craven or too incompetent to take their responsibilities seriously, they should be removed. If tenure committees are insufficiently vigilant in demanding proper procedures and scrupulous evaluations, they should be replaced.

The Commission must decide whether or not it wishes mute civil servants to staff the universities. If it does wish this, it should say so. However, if it wishes to maintain academic freedom, it should say so in the strongest possible terms and it should insist that tenure be maintained as an integral part of that defence of academic freedom.

Conclusion

In conclusion we would like to point to a more general concern of the C.A.U.T. It seems to us that your draft report reflects a decidedly utilitarian view of the university, in particular of the manpower training function. We agree that such functions are a vital part of the modern university. We cannot agree, however, with the implicit downgrading of the other functions, notably the obligation on the university to seek out new knowledge, the necessity for the university to provide a critical function for the examination of received ideas and conventional wisdom in all disciplines, and the duty of the university not only to train students in certain skills but to provide the community in which students, if they wish, can secure a personal development beyond that of certification. We consider that if you had given greater consideration to these latter functions of the university, you might have become more concerned with the quality of the education provided. We consider that one of the greatest weaknesses of your draft report is any serious reference to excellence in university education. We hope that your final report will not just make the usual presidential or committee bow to excellence but will grapple with the problem of how one of the richest provinces in Canada and one of the richer areas in the world can provide university education and research of the highest standard. It is not good enough merely to say that you are for excellence without suggesting the means to secure that excellence.

It is in this context that we would like you to consider our earlier criticisms and suggestions. We think, for instance, that the question of workloads and teaching hours is essential in any discussion of quality. Clearly, turning the university into a super-high school with a factory-like production line might serve the purposes of certification although we doubt it even in this area; but it would certainly destroy the other functions of the university. It is also in this context that we hope you will discuss the question of tenure. If you believe with us that one of the functions of the university is to contribute to the critical examination of knowledge, then it is essential that those who are so engaged will be protected from malevolent attacks from groups whose interests are disturbed by this research. We also think that your stress on the manpower function of the university has led you to some curiously traditionalist conclusions. For instance, your concern about certification for jobs and opening up the professions has led you to put total reliance on a set of professional examinations. For a commission that prides itself on being many steps in advance of the stuffy and elitist professors, we find this insistence on examinations most interesting.

Finally we think that your insistence on the priority of the manpower function in terms of the Ontario labour market has led you to take a rather narrow and provincial view of the role of Ontario universities. Traditionally your universities have considered themselves to be Canadian as well as Ontario universities. This had led them to recruit students from outside the province and to become involved in research far beyond the confines of Ontario. It has also led them to undertake an international role. Ontario should be proud, for instance, of the assistance rendered by the University of Toronto to East Africa, particularly to Tanzania, and of the support by many other Ontario universities of various international programmes. Since Canada does not have a national university such as Australia possesses, these national and international functions of the major universities throughout the country are an essential part of the Canadian identity and of our presence abroad. We hope that in your final report you will underline the vital nature of this role and that you will recommend the ways and means of making it more effective.

TRAITEMENTS DU PERSONNEL LAÏC À TEMPS COMPLET DANS LES UNIVERSITÉS ET COLLÈGES DU CANADA, 1971-1972
(Ces chiffres excluent les traitements du personnel religieux rémunéré à un niveau inférieur à l'échelle)

Source: données recueillies par Statistique Canada auprès des institutions

Institution	titulaires			tous les titulaires (1 + 2) (3)	agrégés (4)	adjoints (5)	rang inférieur adjoint (6)	rang inférieur au précédent (7)	autres ly compris les professeurs invités (8)	moyenne totale	
	directeurs de département (1)	autres (2)	\$							doyens inclus (9)	doyens exclus (10)
Acadia University (excluding Acadia Divinity College)											
Number in rank - nombre	14	10		23		49	47	-	...	...	...
Floor - bas de l'échelle									...	...	...
10th percentile - 10 ^e centile	19,440	17,900		14,443		11,063	9,785	-	...	...	...
Mean - moyenne	20,886	18,970		15,865		12,395	10,691	-	...	...	...
Median - médiane	20,300	18,800		16,050		12,250	10,675	-	...	...	13,672
90th percentile - 90 ^e centile	23,560	20,200		17,370		13,855	11,730	-	...	...	...
University of Alberta ¹											
Number in rank - nombre	50	237		431		418	47	-	116	...	...
Floor - bas de l'échelle	20,680	20,180		15,050		11,320	8,610	-	-	...	...
10th percentile - 10 ^e centile	23,500	20,810		15,562		11,770	9,024	-	9,460	...	...
Mean - moyenne	27,835	23,897		17,890		13,384	10,048	-	11,491	17,199	17,064
Median - médiane	27,133	23,575		17,746		13,416	10,050	-	10,600	...	...
90th percentile - 90 ^e centile	32,600	27,410		20,151		14,865	11,030	-	14,940	...	...
University of Alberta ²											
Number in rank - nombre	35	199		370		385	34	-	113	...	...
Floor - bas de l'échelle	20,680	20,180		15,050		11,320	8,610	-	-	...	...
10th percentile - 10 ^e centile	22,750	20,684		15,527		11,725	9,140	-	-	...	...
Mean - moyenne	27,011	23,815		17,657		13,278	10,239	-	9,433	16,843	16,700
Median - médiane	26,775	23,717		17,550		13,407	10,333	-	11,452	...	...
90th percentile - 90 ^e centile	30,050	27,110		20,107		14,779	11,220	-	10,589	...	...
Collège de Bathurst											
Number in rank - nombre	-	-		4		10	7	-	-	...	...
Floor - bas de l'échelle	15,000	15,000		12,500		10,000	8,200	-	-	...	...
10th percentile - 10 ^e centile	-	-		-		10,020	6,970	-	...	...	...
Mean - moyenne	-	-		-		11,200	8,586	-	...	...	10,567
Median - médiane	-	-		-		10,950	8,550	-	...	...	...
90th percentile - 90 ^e centile	-	-		-		12,800	10,230	-	...	...	...

¹ Incluant la médecine

² Excluant la médecine

<i>University of British Columbia¹</i>										
Number in rank - nombre	51	351	402	414	622	45	99	45	...	...
Floor - bas de l'échelle	15,800	15,800	15,800	11,700	9,500	7,800	-	-	...	...
10th percentile - 10 ^e centile	24,405	19,370	19,470	14,913	11,844	9,525	8,163	10,350	...	...
Mean - moyenne	29,035	24,299	24,299	17,552	14,244	11,396	10,842	12,662	17,396	17,241
Median - médiane	28,875	23,406	23,663	17,113	14,059	10,363	10,313	12,850	...	...
90th percentile - 90 ^e centile	33,070	28,645	29,540	20,460	16,845	13,925	13,710	18,050	...	...
<i>University of British Columbia²</i>										
Number in rank - nombre	33	311	344	365	538	35	82	44	...	...
Floor - bas de l'échelle	15,800	15,800	15,800	11,700	9,500	7,800	-	-	...	...
10th percentile - 10 ^e centile	24,530	19,333	19,407	14,830	11,676	9,525	8,140	10,340	...	...
Mean - moyenne	28,439	23,457	23,935	17,062	13,780	10,778	11,436	12,609	...	16,864
Median - médiane	28,825	23,263	23,500	16,956	13,930	10,350	10,300	12,840	...	...
90th percentile - 90 ^e centile	33,018	28,395	29,130	19,750	16,029	12,575	13,980	18,060	...	...
<i>University of Calgary¹</i>										
Number in rank - nombre	37	104	141	285	255	20	-	79	...	...
Floor - bas de l'échelle ³	-	23,000	-	17,068	12,740	9,584	-	-	...	...
10th percentile - 10 ^e centile	22,770	20,213	20,405	15,063	11,550	9,000	-	9,145	...	...
Mean - moyenne	26,596	23,231	24,114	17,316	13,188	9,992	-	12,023	16,632	16,471
Median - médiane	26,250	22,900	23,483	17,138	13,087	9,800	-	11,925	...	...
90th percentile - 90 ^e centile	30,077	27,053	28,690	19,603	14,545	10,867	-	15,010	...	...
<i>University of Calgary²</i>										
Number in rank - nombre	24	98	122	271	235	20	-	78	...	...
Floor - bas de l'échelle ⁴	-	19,715	-	14,360	10,920	8,215	-	-	...	...
10th percentile - 10 ^e centile	22,640	20,180	20,273	15,028	11,542	9,000	-	9,140	...	...
Mean - moyenne	25,395	23,077	23,533	17,122	13,004	9,992	-	11,946	16,269	16,114
Median - médiane	25,250	22,650	23,100	17,039	13,050	9,800	-	11,800	...	...
90th percentile - 90 ^e centile	29,060	26,920	26,786	19,382	14,342	10,867	-	14,620	...	...
<i>Carleton University</i>										
Number in rank - nombre	19	78	97	185	213	15	-	7	...	...
Floor - bas de l'échelle	-	18,500	-	14,400	11,300	-	-	-	...	...
10th percentile - 10 ^e centile	-	-	19,818	15,230	11,877	10,250	-	11,370	...	...
Mean - moyenne	-	-	22,382	17,033	13,632	10,973	-	15,113	16,607	16,434
Median - médiane	-	-	22,550	16,879	13,658	10,550	-	15,050	...	...
90th percentile - 90 ^e centile	-	-	25,065	19,425	15,328	12,350	-	19,930	...	...

¹ Incluant la médecine

² Excluant la médecine

³ Cette échelle de salaire ne s'applique qu'au personnel médical

⁴ Cette échelle de salaire s'applique à tout le personnel sauf le personnel médical

SALARIES OF FULL-TIME TEACHING STAFF AT CANADIAN UNIVERSITIES AND COLLEGES, 1971-1972
(Salaries paid to religious staff on a scale less than that applying to lay staff are omitted)

Source: From data supplied to Statistics Canada by the institutions

Institution	Full professors					The rank immediately below assistant professor (6)	The rank immediately below the preceding (7)	Others (including visiting staff) (8)	Including deans (9)	Excluding deans (10)
	Department heads, etc. who are full professors (1)	Other full professors (2)	All full professors (total of 1 & 2) (3)	Associate professors (4)	Assistant professors (5)					
Carleton University										
Number in rank - nombre	19	78	97	185	213	15	-	7	...	...
Floor - bas de l'échelle	-	18,500	-	14,400	11,300	-	-	-	...	...
10th percentile - 10 ^e centile	-	-	19,818	15,230	11,877	10,250	-	11,370	...	...
Mean - moyenne	-	-	22,582	17,033	13,632	10,973	-	15,113	16,607	16,434
Median - médiane	-	-	22,550	16,879	13,658	10,550	-	15,050	...	...
90th percentile - 90 ^e centile	-	-	25,065	19,425	15,328	12,350	-	19,930	...	...
Collège militaire royal de Saint-Jean										
Number in rank - nombre	1	9	10	20	14	20	-	-	...	...
Floor - bas de l'échelle	-	-	19,550	15,550	13,340	9,400	-	-	...	...
10th percentile - 10 ^e centile	-	19,545	20,760	17,450	14,893	11,325	-	-	...	...
Mean - moyenne	-	20,789	20,550	17,500	15,250	11,800	-	-	14,497	13,931
Median - médiane	-	20,550	20,550	17,500	15,250	11,800	-	-	...	...
90th percentile - 90 ^e centile	-	23,510	22,650	20,050	15,760	13,000	-	-	...	...
Dalhousie University ¹										
Number in rank - nombre	25	95	120	135	216	62	-	-	...	...
Floor - bas de l'échelle	-	-	-	-	-	-	-	-	...	...
10th percentile - 10 ^e centile	19,250	18,088	18,100	14,238	11,216	9,528	-	8,020	...	...
Mean - moyenne	25,954	22,046	22,860	17,493	14,453	13,326	-	8,667	...	...
Median - médiane	26,050	22,006	22,025	16,208	13,244	11,000	-	8,817	...	...
90th percentile - 90 ^e centile	34,075	28,325	28,550	21,850	20,035	22,580	-	8,897	...	...
Dalhousie University ²										
Number in rank - nombre	12	71	83	100	150	40	11	...	...	...
Floor - bas de l'échelle	-	-	-	-	-	-	-	-	...	...
10th percentile - 10 ^e centile	18,520	18,078	18,083	14,067	11,071	9,525	-	8,405	...	...
Mean - moyenne	20,392	20,964	20,882	15,789	12,631	10,356	-	8,818	15,004	14,891
Median - médiane	20,150	20,750	20,270	15,711	12,588	10,267	-	8,825	...	...
90th percentile - 90 ^e centile	22,950	24,090	24,035	17,900	14,250	11,567	-	8,898	...	...
University of Guelph										
Number in rank - nombre	35	107	142	188	268	68	15	-	...	...
Floor - bas de l'échelle	-	18,700	-	14,700	11,500	9,500	-	-	...	...
10th percentile - 10 ^e centile	21,625	19,290	20,120	15,293	12,074	10,045	-	8,275	...	...
Mean - moyenne	25,283	23,147	23,673	18,034	13,991	11,271	-	9,596	16,903	16,762
Median - médiane	25,875	23,317	23,733	18,257	13,956	11,260	-	9,750	...	...
90th percentile - 90 ^e centile	27,550	26,430	27,060	20,307	15,908	12,710	-	11,150	...	...

Brock University										
Number in rank - nombre	12	17	29	29	81	20	-	14	...	...
Floor - bas de l'échelle	-	19,000	14,700	14,700	11,700	9,300	-	-	...	...
10th percentile - 10 ^e centile	22,450	19,485	14,773	14,773	12,110	10,200	-	18,713	...	...
Mean - moyenne	22,479	21,453	19,645	19,645	13,543	11,253	-	15,846	...	15,701
Median - médiane	23,450	21,250	22,291	22,291	16,548	11,133	-	19,038	...	...
90th percentile - 90 ^e centile	26,480	23,930	22,450	22,450	13,583	12,400	-	20,660	...	...
Lakehead University										
Number in rank - nombre	12	11	23	50	85	51	6	...	...	...
Floor - bas de l'échelle	-	18,790	14,870	14,870	11,915	10,050	-	...	...	...
10th percentile - 10 ^e centile	18,760	19,010	18,765	15,500	12,230	10,082	8,160	...	...	...
Mean - moyenne	21,258	21,009	21,139	16,900	13,874	11,501	9,864	14,917	...	14,680
Median - médiane	21,750	21,525	21,575	16,767	13,638	11,625	9,600	...	...	...
90th percentile - 90 ^e centile	23,580	22,890	23,570	18,400	16,050	12,745	11,640	...	...	...
Laurentian University of Sudbury										
Number in rank - nombre	5	9	14	43	101	30	8	-	...	...
Floor - bas de l'échelle	20,000	20,000	20,000	15,500	12,200	10,090	7,900	-	...	...
10th percentile - 10 ^e centile	-	20,090	20,740	15,561	12,283	10,050	7,580	-	...	...
Mean - moyenne	-	22,667	23,043	17,288	13,866	10,873	9,238	-	15,036	14,643
Median - médiane	-	22,275	23,150	16,871	13,779	10,750	10,020	-	...	...
90th percentile - 90 ^e centile	-	25,255	25,253	20,014	15,279	12,000	10,084	-	...	...
University of Lethbridge										
Number in rank - nombre	9	7	16	35	66	2	-	-	...	...
Floor - bas de l'échelle	-	19,920	14,845	14,845	11,065	8,265	-	-	...	...
10th percentile - 10 ^e centile	19,990	21,170	20,760	15,317	11,687	-	-	-	...	...
Mean - moyenne	22,252	23,029	22,591	17,326	13,463	-	-	-	16,004	15,730
Median - médiane	22,275	22,425	22,350	17,083	13,450	-	-	...	...	...
90th percentile - 90 ^e centile	26,010	26,630	26,040	19,750	14,871	-	-	...	...	...
University of Manitoba¹										
Number in rank - nombre	62	124	186	320	428	129	-	3	...	...
Floor - bas de l'échelle	-	-	17,000	12,900	10,000	-	-	-	...	...
10th percentile - 10 ^e centile	18,420	18,047	18,230	14,060	11,153	7,932	-	-	...	...
Mean - moyenne	24,863	22,334	23,177	16,772	13,331	9,991	-	-	15,863	15,683
Median - médiane	23,800	21,450	22,125	16,076	12,933	9,850	-	-	...	...
90th percentile - 90 ^e centile	33,990	27,730	30,047	19,585	15,048	12,155	-	-	...	...

¹ Including medical staff

² Excluding medical staff

TRAITEMENTS DU PERSONNEL LAÏC A TEMPS COMPLET DANS LES UNIVERSITÉS ET COLLÈGES DU CANADA, 1971-1972
(Ces chiffres excluent les traitements du personnel religieux rémunéré à un niveau inférieur à l'échelle)

Source: données recueillies par Statistique Canada auprès des institutions

Institution	titulaires		tous les titulaires		agrégés	adjoints	rang inférieur adjoint	rang inférieur au précédent	autres (y compris les professeurs invités)	moyenne		doyens exclus
	directeurs de département (1)	autres (2)	(1 + 2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
University of Manitoba²	39	97	136		258	352	117	-	3	...	...	...
Number in rank - nombre			17,000		12,900	10,000	-	-	-	...	...	...
Floor - bas de l'échelle			18,037		14,062	11,085	-	-	-	...	...	...
10th percentile - 10 ^e centile	18,370	17,970	18,037		14,062	11,085	-	-	-	...	...	...
Mean - moyenne	22,787	21,282	21,714		15,973	12,668	9,849	-	-	...	...	...
Median - médiane	22,350	20,835	21,300		15,838	12,800	9,738	-	-	14,880	14,669	...
90th percentile - 90 ^e centile	28,010	25,230	25,547		18,115	14,360	12,015	...	...	...	...	...
McMaster University¹	34	116	150		172	225	62	5	-	...	...	...
Number in rank - nombre	19,900	18,400	19,400		14,400	11,100	8,500	-	-	...	...	...
Floor - bas de l'échelle	21,670	19,050	20,360		15,600	11,965	9,260	-	-	...	...	...
10th percentile - 10 ^e centile	27,624	23,865	24,717		18,454	14,741	12,492	12,137	-	17,981	17,689	...
Mean - moyenne	26,325	23,200	24,000		17,775	14,300	11,420	12,360	-	...	...	...
Median - médiane	35,300	31,440	32,000		22,920	19,000	16,000	-	-	...	...	...
90th percentile - 90 ^e centile										...	...	...
McMaster University²	24	98	122		138	166	27	-	-	...	...	...
Number in rank - nombre	19,900	18,400	19,400		14,400	11,100	8,500	-	-	...	...	...
Floor - bas de l'échelle	21,130	18,990	20,060		15,550	11,770	9,640	-	-	...	...	...
10th percentile - 10 ^e centile	25,301	23,349	23,733		17,450	13,865	10,678	-	-	17,369	17,281	...
Mean - moyenne	25,275	22,725	23,100		17,275	13,800	10,900	-	-	...	...	...
Median - médiane	31,034	31,312	31,222		19,970	15,800	12,265	-	-	...	...	...
90th percentile - 90 ^e centile										...	...	...
Memorial University of Newfoundland¹	33	36	69		106	258	115	6	10	...	...	...
Number in rank - nombre	-	18,000	18,495		14,200	10,900	...	...	...	...	...	...
Floor - bas de l'échelle	19,510	18,080	19,510		14,266	11,290	9,058	7,560	10,800	...	...	...
10th percentile - 10 ^e centile	22,224	20,870	21,486		16,418	12,770	10,125	8,000	12,775	14,107	13,932	...
Mean - moyenne	22,084	20,075	21,550		16,080	12,529	10,058	8,050	12,050	...	...	...
Median - médiane	25,057	25,080	25,035		18,220	14,755	11,375	8,540	16,300	...	...	...
90th percentile - 90 ^e centile										...	...	...

¹ Incluant la médecine

² Excluant la médecine

Memorial University of
Newfoundland¹

Number in rank - nombre	24	29	53	96	244	110	6	9	...
Floor - bas de l'échelle	-	18,000	-	14,200	10,900	8,300	7,000	-	...
10th percentile - 10 ^e centile	19,040	18,090	18,465	14,259	11,170	9,050	7,560	10,590	...
Mean - moyenne	21,496	20,453	20,926	15,994	12,696	10,052	8,000	12,861	13,536
Median - médiane	21,800	20,038	20,525	15,975	12,500	10,017	8,050	12,050	...
90th percentile - 90 ^e centile	25,020	25,003	25,012	18,044	14,715	11,080	8,540	16,810	...

Mount Allison University

Number in rank - nombre	15	6	21	19	39	24	-	-	...
Floor - bas de l'échelle	-	17,000	-	13,200	10,300	8,200	-	-	...
10th percentile - 10 ^e centile	19,050	17,060	18,910	14,190	11,090	9,540	-	-	...
Mean - moyenne	20,597	19,067	20,160	15,390	12,295	10,379	-	-	14,104
Median - médiane	20,200	19,350	20,000	15,300	12,200	10,500	-	-	...
90th percentile - 90 ^e centile	23,050	20,000	21,690	17,410	13,810	11,030	-	-	...

Mount Saint Vincent University

Number in rank - nombre	-	1	1	9	14	21	-	-	...
Floor - bas de l'échelle	-	-	-	-	-	-	-	-	...
10th percentile - 10 ^e centile	-	-	-	12,590	10,440	7,553	-	-	...
Mean - moyenne	-	-	-	14,622	11,414	8,938	-	-	...
Median - médiane	-	-	-	14,550	10,780	9,070	-	-	10,850
90th percentile - 90 ^e centile	-	-	-	16,610	13,560	10,090	-	-	...

University of New Brunswick

Number in rank nombre	18	47	67	92	158	46	17	-	...
Floor - bas de l'échelle	18,700	18,700	18,700	14,700	11,200	9,000	-	-	...
10th percentile - 10 ^e centile	21,280	19,023	19,083	15,404	11,927	9,260	6,570	...	...
Mean - moyenne	23,411	21,966	22,366	16,936	13,384	10,956	7,958	...	14,643
Median - médiane	23,750	21,483	22,150	17,167	13,460	11,000	8,050	...	...
90th percentile - 90 ^e centile	25,220	25,030	25,075	18,580	15,020	13,140	10,515	...	...

Notre Dame University of Nelson

Number in rank - nombre	1	1	2	14	10	7	-	-	...
Floor - bas de l'échelle	\$200 above	13,700	-	10,700	8,400	7,025	-	-	...
10th percentile - 10 ^e centile	rank salary	-	-	10,720	8,425	7,270	-	-	...
Mean - moyenne	-	-	-	11,671	8,830	7,800	-	-	9,482
Median - médiane	-	-	-	11,950	8,750	7,853	-	-	...
90th percentile - 90 ^e centile	-	-	-	13,060	9,700	8,530	-	-	...

¹ Incluant la médecine

² Excluant la médecine

SALARIES OF FULL-TIME LAY TEACHING STAFF AT CANADIAN UNIVERSITIES AND COLLEGES, 1971-1972
(Salaries paid to religious staff on a scale less than that applying to lay staff are omitted)

Source: From data supplied to Statistics Canada by the institutions

Institution	Full professors										The rank immediately below assistant professor (6)	The rank immediately below the preceding (7)	Others (including visiting staff) (8)	Including deans (9)	Excluding deans (10)
	Department heads, etc. who are full professors (1)	Other full professors (2)	ALL full professors (total of 1 & 2) (3)	Associate professors (4)	Assistant professors (5)										
Nova Scotia Technical College															
Number in rank - nombre	5	4	9	22	33					2	-	-	-	...	...
Floor - bas de l'échelle	-	-	-	-	-					-	-	-	-	...	...
10th percentile - 10 ^e centile	-	-	18,090	14,520	12,065					-	-	-	-	...	...
Mean - moyenne	-	-	20,061	15,939	13,338					-	-	-	-	...	...
Median - médiane	-	-	19,975	15,950	13,217					-	-	-	-	15,414	15,007
90th percentile - 90 ^e centile	-	-	24,110	17,740	14,985					-	-	-	-	...	...
University of Ottawa ¹															
Number in rank - nombre	49	90	139	185	317					135	-	-	3	...	...
Floor - bas de l'échelle	18,470	18,470	18,470	13,940	10,660					8,670	-	-	-	...	...
10th percentile - 10 ^e centile	20,590	18,867	19,023	14,313	11,596					9,275	-	-	-	...	...
Mean - moyenne	26,037	21,864	23,356	17,210	13,985					11,416	-	-	-	...	...
Median - médiane	25,450	20,567	22,025	17,090	13,675					11,430	-	-	-	16,212	15,964
90th percentile - 90 ^e centile	31,310	26,900	28,810	20,050	16,215					13,588	-	-	-	...	...
University of Ottawa ²															
Number in rank - nombre	35	72	107	156	269					115	-	-	3	...	...
Floor - bas de l'échelle	18,470	18,470	18,470	13,940	10,660					8,670	-	-	-	...	...
10th percentile - 10 ^e centile	20,550	18,840	18,890	14,080	11,549					9,175	-	-	-	...	...
Mean - moyenne	24,933	22,150	23,060	16,960	13,719					11,256	-	-	-	15,854	15,588
Median - médiane	25,417	21,067	22,075	16,700	13,436					11,117	-	-	-	...	...
90th percentile - 90 ^e centile	28,475	28,040	28,365	19,740	16,105					13,538	-	-	-	...	...
University of Prince Edward Island															
Number in rank - nombre	4	3	7	36	46					33	-	-	-	...	...
Floor - bas de l'échelle	-	18,400	-	14,500	11,150					8,900	-	-	-	...	...
10th percentile - 10 ^e centile	-	-	20,012	15,808	11,815					9,458	-	-	-	...	...
Mean - moyenne	-	-	20,286	16,561	12,922					10,103	-	-	-	...	...
Median - médiane	-	-	20,058	16,700	13,129					10,079	-	-	-	13,664	13,626
90th percentile - 90 ^e centile	-	-	22,030	18,347	14,070					10,935	-	-	-	...	...

¹ Including medical staff

² Excluding medical staff

Queen's University¹										
Number in rank - nombre	48	146	194	250	252	50	1	...	...	...
Floor - bas de l'échelle	-	18,800	-	14,800	11,300	-	-	...	...	...
10th percentile - 10 ^e centile	23,780	19,480	19,660	15,365	12,230	10,600	-	...	...	...
Mean - moyenne	28,675	23,305	24,633	17,931	14,161	12,156	-	18,509	...	18,011
Median - médiane	28,050	22,467	24,025	17,700	13,720	11,650	-	...	...	...
90th percentile - 90 ^e centile	35,220	28,140	30,040	21,020	16,860	15,400	-	...	...	...
Queen's University²										
Number in rank - nombre	34	134	168	206	207	33	-	...	...	...
Floor - bas de l'échelle	-	18,800	-	14,800	11,300	-	-	...	...	...
10th percentile - 10 ^e centile	22,740	19,420	19,590	15,308	12,077	10,530	-	...	...	...
Mean - moyenne	26,947	22,965	23,771	17,340	13,593	11,602	-	17,781	...	17,528
Median - médiane	27,450	22,200	23,033	17,175	13,506	11,517	-	...	...	...
90th percentile - 90 ^e centile	31,160	27,160	28,820	19,840	15,165	12,770	-	...	...	...
Royal Military College										
Number in rank - nombre	7	11	18	22	17	24	-	...	...	...
Floor - bas de l'échelle	plus \$750	19,000	-	14,700	11,550	7,500	-	...	...	...
10th percentile - 10 ^e centile	20,770	21,510	21,280	16,560	10,670	9,840	-	...	...	...
Mean - moyenne	24,857	23,627	24,106	17,823	14,041	11,542	-	14,612	...	14,132
Median - médiane	25,750	23,275	23,500	17,600	14,725	12,140	-	...	...	...
90th percentile - 90 ^e centile	27,765	26,090	27,710	19,527	15,383	12,273	-	...	...	...
Royal Roads Military College										
Number in rank - nombre	4	2	6	6	8	9	-	...	...	...
Floor - bas de l'échelle	plus \$750	19,500	14,700	11,550	7,300	-	-	...	...	...
10th percentile - 10 ^e centile	-	-	20,260	16,560	9,780	9,790	-	...	...	...
Mean - moyenne	-	-	22,450	18,250	13,225	11,700	-	16,753	...	15,714
Median - médiane	-	-	22,000	18,550	13,500	12,238	-	...	...	...
90th percentile - 90 ^e centile	-	-	26,240	19,580	15,360	12,510	-	...	...	...
Saint Francis Xavier University										
Number in rank - nombre	8	11	19	39	75	27	5	...	...	...
Floor - bas de l'échelle	-	18,200	-	14,300	11,100	9,200	-	...	...	...
10th percentile - 10 ^e centile	18,780	19,010	18,790	14,373	11,410	9,257	-	...	...	...
Mean - moyenne	20,659	20,335	20,483	15,909	12,327	9,905	-	13,839	...	13,594
Median - médiane	21,150	20,425	20,475	15,850	12,210	9,570	...	...	...	...
90th percentile - 90 ^e centile	27,720	21,590	21,710	17,505	13,250	10,583	-	...	...	...

¹ Including medical staff

² Excluding medical staff

TRAITEMENTS DU PERSONNEL LAÏC À TEMPS COMPLET DANS LES UNIVERSITÉS ET COLLÈGES DU CANADA, 1971-1972
(Ces chiffres excluent les traitements du personnel religieux rémunéré à un niveau inférieur à l'échelle)

Source: données recueillies par Statistique Canada auprès des institutions

Institution	titulaires		tous les titulaires (1 + 2) (3)	agrégés (4)	adjoints (5)	rang inférieur à adjoint (6)	rang inférieur au précédent (7)	autres (ly compris les professeurs invités) (8)	moyenne totale		
	directeurs de département (1)	autres (2)							\$ (9)	\$ (10)	
Saint Mary's University											
Number in rank - nombre	2	11	13	27	64	34	-	-	...	...	
Floor - bas de l'échelle	-	-	-	-	-	-	-	-	...	...	
10th percentile - 10 ^e centile	-	17,210	17,230	13,918	10,857	8,647	-	-	...	...	
Mean - moyenne	-	17,952	18,081	15,525	12,158	9,938	-	-	...	12,828	
Median - médiane	-	18,063	18,088	15,075	12,067	9,575	-	-	...	...	
90th percentile - 90 ^e centile	-	19,145	19,135	17,430	13,560	11,560	-	-	...	...	
University of St. Michael's College											
Number in rank - nombre	3	8	11	12	14	7	1	-	...	...	
Floor - bas de l'échelle	17,800	17,800	17,800	13,400	10,800	8,900	-	-	...	...	
10th percentile - 10 ^e centile	-	17,880	18,505	14,120	11,520	9,070	-	-	...	...	
Mean - moyenne	-	19,525	20,955	15,217	12,007	10,786	-	-	...	14,780	
Median - médiane	-	19,150	19,350	14,800	12,050	10,350	-	-	...	...	
90th percentile - 90 ^e centile	-	23,520	20,090	17,480	12,660	13,130	-	-	...	...	
St. Thomas University											
Number in rank - nombre	5	2	7	6	33	15	-	...	...	...	
Floor - bas de l'échelle	-	-	-	-	-	-	-	...	...	...	
10th percentile - 10 ^e centile	-	-	18,235	14,720	11,008	9,250	-	...	...	...	
Mean - moyenne	-	-	19,829	15,817	12,036	9,987	-	...	...	12,798	
Median - médiane	-	-	20,050	15,500	11,950	10,250	-	...	...	...	
90th percentile - 90 ^e centile	-	-	21,077	18,040	13,770	10,650	-	...	...	...	
Trent University											
Number in rank - nombre	12	13	25	35	58	14	-	-	...	...	
Floor - bas de l'échelle	-	19,100	-	14,600	11,250	8,900	-	-	...	...	
10th percentile - 10 ^e centile	19,220	20,010	19,250	14,683	11,740	9,513	-	-	...	...	
Mean - moyenne	22,342	21,517	21,913	16,343	12,937	10,104	-	-	...	15,240	
Median - médiane	22,650	20,800	21,725	16,225	12,950	10,000	-	-	...	...	
90th percentile - 90 ^e centile	24,480	25,170	24,550	18,317	14,120	11,090	-	-	...	...	

University of Trinity College										
Number in rank - nombre	6	10	16	7	12	4	1	...	...	...
Floor - bas de l'échelle	18,300	17,800	-	13,400	10,800	8,900	-	...	...	...
10th percentile - 10 ^e centile	20,060	19,300	14,560	13,470	11,720	-	-	...	...	...
Mean - moyenne	21,567	18,580	19,706	15,929	12,567	-	-	...	...	15,836
Median - médiane	21,550	19,200	20,533	16,425	12,580	-	-	...	...	...
90th percentile - 90 ^e centile	22,350	20,550	21,550	17,313	12,850	-	-	...	...	...
Victoria University										
Number in rank - nombre	6	7	20	27	25	19	14	3	...	...
Floor - bas de l'échelle	-	-	18,400	18,970	13,475	-	9,613	-	...	...
10th percentile - 10 ^e centile	-	19,070	22,332	22,537	15,270	11,263	10,479	-	...	...
Mean - moyenne	-	23,121	22,920	22,950	15,150	12,161	10,750	-	16,054	15,718
Median - médiane	-	23,650	24,950	25,430	17,250	12,450	11,460	-	...	...
90th percentile - 90 ^e centile	-	26,130	-	-	-	12,910	-	-	...	...
University of Waterloo										
Number in rank - nombre	23	145	168	201	219	58	6	8	...	...
Floor - bas de l'échelle	19,400	19,400	-	15,000	11,600	-	-	-	...	...
10th percentile - 10 ^e centile	22,200	20,700	20,700	15,700	12,000	9,480	-	-	...	...
Mean - moyenne	26,552	24,136	24,467	18,080	13,997	11,467	8,667	12,725	17,758	17,619
Median - médiane	26,700	23,400	23,600	17,900	13,900	11,600	8,800	12,250	...	...
90th percentile - 90 ^e centile	30,470	29,700	30,040	20,790	16,000	13,080	-	-	...	...
Waterloo Lutheran University										
Number in rank - nombre	9	13	22	28	53	27	1	...	...	...
Floor - bas de l'échelle	-	19,200	-	14,800	11,600	9,400	-	...	...	...
10th percentile - 10 ^e centile	15,990	20,230	17,700	15,980	12,315	9,923	-	...	...	...
Mean - moyenne	20,044	21,000	20,069	17,243	13,738	11,019	-	...	15,441	15,000
Median - médiane	20,850	21,025	20,900	17,250	13,313	11,150	-	...	...	...
90th percentile - 90 ^e centile	22,955	22,670	22,880	18,260	15,785	12,230	-	...	...	...
University of Windsor										
Number in rank - nombre	16	69	85	145	165	35	1	7	...	...
Floor - bas de l'échelle	-	19,200	-	15,650	11,750	9,450	-	12,070	...	...
10th percentile - 10 ^e centile	21,060	19,296	19,613	15,674	12,166	10,065	...	-	...	...
Mean - moyenne	23,240	21,777	22,056	17,432	14,182	11,348	-	16,357	16,790	16,584
Median - médiane	22,650	21,933	22,075	17,510	14,058	11,375	-	15,050	...	...
90th percentile - 90 ^e centile	26,540	24,010	24,320	19,725	16,328	12,535	-	22,230	...	...

SALARIES OF FULL-TIME LAY TEACHING STAFF AT CANADIAN UNIVERSITIES AND COLLEGES, 1971-1972
(Salaries paid to religious staff on a scale less than that applying to lay staff are omitted)

Source: From data supplied to Statistics Canada by the institutions

Institution	Full professors				The rank immediately below assistant professors				The rank immediately below the preceding				Overall average	
	Department heads, etc. who are full professors		Other full professors		Associate professors		Assistant professors		The rank immediately below assistant professors		The rank immediately below the preceding		Others (including visiting deans)	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)				
York University														
Number in rank-cadres	15	112	127	182	289	190	25	-	...	...	...	...	...	...
Floor-bas de l'échelle	-	18,200	-	13,700	11,100	8,800	-	-	...	...	...	...	...	...
10th percentile - 10 ^e centile	21,950	19,525	19,670	14,855	11,841	9,667	7,025	-	...	...	...	...	...	...
Mean - moyenne	25,328	23,794	23,975	17,342	13,657	11,482	8,591	-	...	...	...	...	...	...
Median - médiane	25,550	23,950	24,000	17,000	13,500	11,225	8,500	-	...	...	...	...	...	...
90th percentile - 90 ^e centile	27,050	28,750	28,730	20,340	15,742	13,400	9,700	-	...	...	...	...	...	...
The University of Winnipeg														
Number in rank - cadres	7	4	11	29	68	50	24	-	...	...	...	...	...	...
Floor - bas de l'échelle	-	17,500	-	13,500	10,000	-	-	-	...	...	...	...	...	...
10th percentile - 10 ^e centile	17,070	-	14,810	13,945	10,700	8,650	4,040	-	...	...	...	...	...	...
Mean - moyenne	19,572	-	18,604	15,293	11,933	9,864	6,815	-	...	...	...	...	...	...
Median - médiane	19,750	-	19,750	15,088	11,800	10,200	7,100	-	...	...	...	...	...	...
90th percentile - 90 ^e centile	21,930	-	21,890	16,610	13,760	11,300	9,060	-	...	...	...	...	...	...

PRIMER on TENURE

*This primer was approved by the C.A.U.T.
Academic Freedom and Tenure Committee at its
Jan. 14-15 meeting.*

What is tenure ?

1. *What is tenure ?* A professor who has been granted tenure has an appointment without term, which may be terminated only through resignation, retirement or dismissal for good reasons as established by a proper hearing.
2. *Do occupations other than professors have tenure ?* Yes. Judges have tenure so that they can better resist political and other pressures. Moreover C.A.U.T. would support the extension of tenure to other fields notably journalism and school teaching which have problems analogous to that of the university. It also supports the more general right of employees to employment without fear of dismissal for legal political activities outside their working hours.

Why should university professors have tenure ?

3. *Why should professors have tenure ?* The most important reason for tenure is to protect free criticism and independent judgment in the interest of the university community and of society at large. This position has been summed up by Professors C. Byse and L. Joughin:

Academic freedom and tenure do not exist because of a peculiar solicitude for the human beings who staff our academic institutions. They exist, instead, in order that society may have the benefit of honest judgment and independent criticism which might be withheld because of fear of offending a dominant social group or transient social attitude.

Furthermore, Professor Fritz Machlup has pointed out that there are certain important characteristics of university teaching that make such safeguards particularly important:

With regard to some occupations, it is eminently in the interests of society that men concerned speak their minds without fear of retribution . . . The occupational work of the vast majority of people is largely independent of their thought and speech. The professor's work *consists* of his thought and speech. If he loses his position for what he writes or says, he will, as a rule, have to leave his profession, and he may no longer be able effectively to question and challenge accepted doctrines. And if *some* professors lose their positions for what they write or say, the effect on many other professors will be such that their usefulness to their students and to society will be gravely reduced.

If a professor has a series of contracts with fixed terms (one year, five years), then it is likely that in many cases a premium will be put on time-serving rather than on excellence, for it is only human for some administrators to prefer the professor who is pleasant but ineffectual to the one who is effective even though critical and difficult. Yet it is precisely the difficult and critical professor who is frequently the agent of progress. (See also question 4.)

4. *Is the fear of offending powerful interests really serious?* Yes. In the past this fear has usually been that of offending powerful private interests represented on boards of governors. Such threats still exist. Recently the president of a large Canadian corporation stated that private corporations should punish those universities which persist in hiring scientists committed to ecology and the war on pollution by withholding financial contributions. Professor Machlup, former president of the A.A.U.P., quotes a case in the United States where a medical researcher discovered toxic qualities in a drug distributed by a company which was supporting his university with generous research grants. He did not have tenure. He printed his findings and was dismissed from his post. The tribulations of such academics as Frank Scott, F. H. Underhill and Harry Crowe all testify to the ability of powerful interests in the community and on boards of governors to attack those academics who care to present unfashionable critiques of society.

5. *Are there new threats to free criticism and independent judgment in the university?* Yes. Developments in the last quarter century suggest a new and much more potent threat. The universities are being financed by governments to such an extent that they are, for all practical purposes, dependent on government for the continuation of their programmes. Such governments frequently demand that the universities be more responsive to the needs of society. No one objects to studies which are relevant to society. But what is relevant? Long-term or short-term? Industrial development or ecology? Canadian studies or Chinese civilization? Governments

usually mean that they want advice on how to make their programmes operative. They frequently do not want honest judgment and independent criticism of the value of these programmes. Governments are also very subject to the passing fancy as to what is fashionable in university studies and policies. If the professors do not have security of contract, they will not be able to speak out if they consider that the plans of politicians or technocrats are ill-advised, and society will not have the benefit of independent criticism. The professor will have become a muted civil servant.

Another threat to academic freedom has developed recently in the attacks of certain minority student and faculty groups who explicitly deny the validity of this concept and would substitute a political and economic orthodoxy in the department, the faculty or the university.

6. *Does tenure benefit the professor within his department ?* Yes. The fear of offending can also be found within a discipline inside the university. If the majority in a department favours a particular approach to the problems of the discipline, they may with all the intensity of a new religion attempt to force this approach or these doctrines on all their colleagues, thus stifling free inquiry. Can a new and swinging department of comparative religion tolerate a traditional and conservative theologian ? Can the traditionalist economics department tolerate a Marxist professor ?

Can statistics and computer-oriented political scientists tolerate a traditionalist professor of political theory ? Can one school of psychiatric thought and practice co-exist with another ? There are all instances of real problems in Canadian universities. Security of contract allows a professor to resist such pressures and to maintain an independent stance to the ultimate benefit of the students, the university and society at large. It also enables him to devote his time and energy to his proper work of teaching and research instead of time-serving and status-seeking.

7. *Does tenure benefit the faculty in general ?* Yes. Lack of security may inhibit the faculty association from assisting a colleague in difficulty with the administration of the university. More than one Canadian university president has hinted to the C.A.U.T. that only tenure prevented him from firing a faculty association president who had vigorously supported one of his colleagues.

8. *Does tenure benefit the university ?* Yes. If the professor does not have security of contract, he is much less likely to point out the shortcomings of the university itself. Not only society at large but the university benefits by honest, reasoned and independent criticism.

9. *Does the tenure system benefit the university president ?* Yes. The wise university president favours tenure because in tense and contentious situations it enables him (or his administrators) to resist unjust attack on his tenured faculty without jeopardizing his own position since it allows him to deflect the enemies of the university, be they politicians, vigilante groups, or even factional professors by informing them that he is required by university regulations to have a fair hearing regardless of his own personal views.

10. *Does tenure provide immunity within the university for those critics who break the law ?* No. Any professor who breaks the law either by defamatory statements or writings or by violent and illegal actions against individuals or against the university is liable to prosecution whether he has tenure or not.

11. *Must the university keep on its staff tenured professors who are physically or mentally incapacitated ?* No. The C.A.U.T. believes that the university must have an adequate disability insurance plan to cover such eventualities.

12. *What happens to tenure if the university cannot finance a programme, a department or a faculty or if enrollment disappears or is substantially reduced over a reasonable period of time ?* The C.A.U.T. accepts the possibility that tenured professors may have to be dismissed for the particular cause of budgetary retrenchment but insists that such professors are entitled to the same protection of natural justice and academic due process as in any other dismissal for cause. Otherwise political interference or personal vendettas may well be dressed up as budgetary cutbacks.

The C.A.U.T. has adopted a guideline which deals in some detail with this question. See *C.A.U.T. Handbook*, pp. 49-51.

13. *Is tenure merely a pretentious name for job security ?* C.A.U.T. believes that its members are entitled to the same degree of job security that most professions and occupations enjoy at the present time, through professional associations, union contracts or collective bargaining agreements. We believe university professors, because of long, difficult and specialized training, are very vulnerable to the whims of the economy and of the market-place, and should have reasonable protection from those whims. Commitment to an academic career frequently means abandoning other career possibilities, which after some years in the university are no longer capable of being exploited. While, C.A.U.T. believes that the primary purpose of tenure is related to the special function of the university — the search for truth, for new knowledge, and for critical understanding — and to the paramount need to protect academic freedom, we recognize that tenure provides a degree of job security as well as a defence of academic freedom. It may be possible in certain systems

(i.e. the multiversity with many campuses or systems where professors are civil servants) to separate absolutely job security and academic freedom by offering mandatory relocation in case of changes of budget or programme. However, these conditions do not exist in most Canadian universities nor does C.A.U.T. favour the professor's becoming a civil servant. As already pointed out, it favours procedures for dismissal for incompetence, neglect of duties or gross misconduct. It supports the use of other sanctions to deal with lesser misdemeanours such as reprimands, denial of merit salary increases or refusal to promote. It also favours periodic review of tenured professors so that those who are not performing satisfactorily can be warned to improve or face penalties which might include dismissal with cause. Finally, the C.A.U.T. recommends that all universities should adopt the C.A.U.T. Guideline on Professional Ethics so that everyone can be clear as to what constitutes proper professional behaviour.

14. *What would happen if tenure were abolished?* Two things: (a) society would lose one of its most important sources of independent and critical thinking just at the moment when this is more needed than ever, (b) the profession would be forced to consider other means of security. The only other likely source of security would be unionization which might well mean, in these circumstances, a structure which would put a premium on seniority, the very evil which many of the critics of tenure say they wish to prevent. It is most unlikely that the profession would allow itself to become the victim of the crassest Victorian concept of the market-place, and it would certainly join the other professions and trades which ensure a reasonable degree of security for its membership.

How do professors get tenure?

15. *Does a professor secure tenure automatically?* No. In most Canadian universities professors secure tenure only after a probationary period of up to five years and only after systematic review and recommendation by a university committee. Probation is, in fact, a form of apprenticeship. The C.A.U.T. is opposed to automatic tenure and recommends that the regulations of those Canadian universities which automatically grant tenure should be changed.

16. *How can the university prevent an incompetent professor from securing tenure?* It is the duty of the university to ensure that proper procedures for the review of the qualifications of a professor be set up to ensure that a reasonable and just decision is made in granting tenure. The C.A.U.T. suggests that a committee be established to allow for participation by tenured and untenured members of the department, members from the discipline outside the university,

tenured and expert members of cognate departments, the chairman of the department and the dean.

17. *Do the students have a say?* Yes. In many Canadian universities student evaluation is a regular part of the university procedure. The C.A.U.T. favours the use of such evaluations provided the rights of professors are safeguarded by fair and equitable procedures. (C.A.U.T. is developing a guideline to indicate what it means by fair and equitable procedures in this area.) These evaluations are one of the items that can form part of the judgment of the tenure committee.

18. *Why does C.A.U.T. favour a probationary period of a maximum of five years?* Because (1) a university administration which cannot make up its mind about a professor in four years of experience is, itself, incompetent; (2) longer periods of probation are likely to induce a deferential caste of mind which is inimical to free and independent research and criticism; (3) there is a natural reluctance on the part of administrators to dismiss a person who has been in a university so long that it would be an undue hardship to uproot him, so long probation periods tend to lead to the accumulation of deadwood within universities; (4) moreover it is unfair to uproot a person who has become accustomed to academic life for more than about five years, and require him to seek a new career and life style.

19. *Should tenure be linked to rank?* No. Promotion to associate or full professor is a separate distinction and should be handled separately. It may well be that a university does not have the money to offer an assistant professor a promotion to a higher rank but wishes to keep him permanently and to promote him when the opportunity arises. The university may also wish to keep certain lecturers and instructors who teach only introductory courses at a particular rank. Such faculty members should also have the right to tenure even if they have no right to promotion. If the real justification for tenure is the value to society of honest criticism and independent judgment, then tenure has very little to do with rank.

20. *Does the tenure system mean that a professor on probation should have no protection?* No. The C.A.U.T. believes that a professor on a probationary contract which is not renewed under circumstances which may be in violation of academic freedom should have the right to a hearing. However, the onus is on the professor to prove his case (i.e. his scholarly and teaching activities and his contribution to departmental needs). This is the reverse of the situation in dismissal with cause. Furthermore the C.A.U.T. considers that all professors on probationary contracts should have the right to know the reasons for the non-renewal of their contracts and a chance to appeal such decisions. Finally the C.A.U.T. insists that

the probationary professor be considered for tenure under a system that is fair and just to all parties, and that he be offered reasons for an adverse decision and the chance to rebut those reasons. Finally, the C.A.U.T. believes that probation should be for a maximum of five years. All these procedures provide safeguards for the probationary professor without giving the full security of tenure.

Can a tenured professor be dismissed ?

21. *Does tenure mean that a tenured professor can never be dismissed ?* No. The C.A.U.T. favours a system whereby a tenured professor can be dismissed for cause — such as gross misconduct, incompetence or persistent neglect.

22. *How is a tenured professor dismissed for cause ?* The C.A.U.T. believes that the only reasonable method is through a fair hearing conducted in the form of an arbitration with the requisite safeguards for natural justice and academic due process.

23. *Who is responsible for the decision to dismiss a tenured professor ?* The decision to open proceedings leading to dismissal with cause must be taken by the president of the university on the advice of his administrators. If administrators cannot bring themselves to face the unpleasantness of an arbitration, the fault lies with the administrators, not with the faculty.

24. *What does arbitration mean in the context of dismissal with cause ?* This means that the members of the tribunal which is to examine the case are either all mutually agreeable to the two parties or are chosen according to the formula of one by each party and the chairman chosen by the two. C.A.U.T. prefers the former method because it involves three arbitrators rather than two adversaries and one arbitrator. (See the Policy Statement on Academic Appointments and Tenure, C. 7 in the *C.A.U.T. Handbook*, p. 24.) It also means that the hearing will be conducted according to a process which will allow natural justice and academic due process to all parties. The minimum requirements would be: (a) notice of the charges against the teacher and of the time and place of hearing, (b) right of the professor, his chairman and those administrators directly involved to appear at the hearing and to confront each other, (c) right to counsel, (d) right to cross-examine, (e) right to produce witnesses, (f) written statement of findings of fact and reasons for the decision, (g) right to a transcript of the proceedings. If the cause alleged is of an academic nature, the arbitration should have the right to call expert witnesses. Furthermore, the decision of this tribunal must be final and binding on all parties.¹

1. C.A.U.T. prefers an arrangement whereby both parties agree not to be represented by lawyers. C.A.U.T. recognizes that the university has no obligation to pay the professor's legal fees if he chooses to be represented by a lawyer but it does consider that the university should, if requested, supply free legal advice to chairmen or other administrative officers directly involved in such hearings if the professor chooses to be represented by legal counsel.

25. *Why does the C.A.U.T. insist on arbitration in cases of dismissal with cause?* Because arbitration not only is fair but is generally accepted by most people to be fair. The decision of a properly constituted and conducted arbitration will be accepted by most members of the university community concerned. This makes it most unlikely that demands to reopen a case will receive significant support on the campus. In contentious cases, any other procedure is likely to be considered unfair by one of the parties, and the procedure itself will, therefore, contribute to the creation of a festering sore. The great virtue of properly conducted arbitration is finality. Moreover arbitration also protects the reputation of the university from charges of intolerance or hasty or ill-judged decisions involving costly experts and programmes. Finally, and most importantly, dismissal with cause will almost certainly ruin a professor's career. Such a step should not be taken lightly and the professor in question should have the right to the fairest possible hearing of the charges.

26. *Why shouldn't the President or the Board of Governors make the judgment?* The C.A.U.T. believes that the person alleging cause for dismissal should not also be the one to judge the adequacy of that cause. Since the president of the university must believe that there is evidence on which to bring forward a case on the advice of his administrators, he cannot claim to be impartial nor can the men who advised him. (See Alwyn Berland, "The Role of the University President in Dismissal Procedures," *C.A.U.T. Bulletin*, Vol. 19, No. 4, summer 1971.)

The board of governors is in almost every case the legal employer. Furthermore the board is bound to support the judgment of its chief executive officer because refusal to do so would be tantamount to a vote of no confidence and a request for resignation. Nor are members of the board of governors likely to have the academic expertise to judge an academic dispute over competence.

27. *Is this process of dismissal so complicated that, in practice, tenured professors are never dismissed?* No. The presence of a quasi-legal mechanism which most members of the university community regard as fair frequently persuades professors who really are guilty of gross misconduct, persistent neglect or incompetence to resign quietly rather than to face such a tribunal. Such cases are never made public nor, even when they are known to the C.A.U.T., can they be made public, since to do so would be unjust. Thus the public only hears of the occasional spectacular case and may falsely conclude that tenured professors are rarely if ever dismissed. Furthermore if the university does not possess a fair arbitration procedure, the incompetent professor is likely to allege political interference as a cover for his incompetence. The lack of

fair procedures may well lead to a reasonable doubt in the minds of the university community as to whether incompetence or politics were the real reasons. Thus the lack of proper procedures may allow an incompetent professor to continue within the academic community and to secure employment owing to the sympathy felt for those who are purged unjustly for political reasons.

Tenure and the Courts

28. *Does the tenured professor dismissed without a fair hearing have recourse to the courts?* Probably not. Many Canadian professors consider that tenure is a form of legal right like *habeas corpus*. However, Canadian courts have been reluctant to hold that a contract involving tenure requires a fair hearing unless tenure is part of the statutes or charter of the university. Almost no Canadian universities have this arrangement. The likelihood that a court would come to the assistance of a professor dismissed without a fair hearing, while not altogether inconceivable, is slight. If tenure is stated in the contract but not in the charter of the university, it is made legally meaningful only by a particular procedure for granting it and for dismissal with cause which should also be part of the contract, and it is likely that in such cases the court would only award damages and not order a fair hearing.

29. *If the legal force of tenure is problematical, what other safeguard does the professor have?* Tenure for most professors is safeguarded by the collective action of the profession through the local faculty association and C.A.U.T. It is the duty of the C.A.U.T. to try to prevent violations of tenure procedure in the interest of all faculty members. If one university succeeds in undermining tenure, then the freedom of all professors is in doubt.

The C.A.U.T. employs a variety of techniques to try to resolve disputes such as negotiation with the administration concerned, investigation of the facts in a dispute, publication of recommendations, sponsoring impartial arbitrations, and, if necessary, censure of the university or individuals thought to be at fault.

SECRÉTAIRE GÉNÉRAL

L'Association canadienne des professeurs d'université est à la recherche d'un secrétaire général.

Fonctions : Diriger et surveiller les activités du personnel professionnel du Secrétariat à Ottawa et administrer les affaires de l'Association.

Veuillez adresser toute correspondance comme suit :

**Le Président,
A.C.P.U.
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Le postulant devra fournir un curriculum vitæ à date et les noms d'au moins trois répondeurs.

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Applications, with curriculum vitæ and names of three or more referees, should be addressed to :

**The President
C.A.U.T.
66 Lisgar Street
Ottawa, Ontario K2P 0C1**

Qu'est-ce que la PERMANENCE ?

Ce petit manuel sur la permanence a été adopté par le Comité de la liberté universitaire et de la permanence de l'emploi de l'A.C.P.U. lors de sa dernière réunion les 14 et 15 janvier 1972.

Qu'est-ce que la permanence ?

1. *Qu'est-ce que la permanence ?* Un professeur qui a la permanence a un contrat permanent qui ne peut être terminé que dans le cas de sa démission, de sa retraite ou de son renvoi pour des raisons valables, déterminées par un arbitrage.

2. *La permanence existe-t-elle pour des professions autres que le professorat ?* Oui. Les juges ont une permanence afin de leur permettre de résister mieux aux pressions politiques ou autres. De plus, l'A.C.P.U. est d'avis que la permanence devrait exister dans d'autres domaines, tels que le journalisme et l'enseignement dans les écoles, où l'on a des problèmes analogues à ceux de l'université.

D'une façon plus générale, nous défendons aussi le droit moral de n'importe quel employé de se livrer à des activités politiques légales en dehors de ses heures de travail sans crainte d'être renvoyé.

3. *Pourquoi les professeurs d'université doivent-ils avoir la permanence ?* La raison principale pour accorder la permanence aux professeurs d'université est de protéger l'indépendance d'esprit et la libre opinion et ceci, dans l'intérêt de la communauté universitaire et de la société en général. Cette position a été résumée par les professeurs C. Byse et L. Jouhin dans les termes suivants :

« La liberté académique et la permanence ne sont pas dues à une sollicitude particulière vis-à-vis des personnes qui enseignent dans nos universités. Elles ont pour but de fournir à la société l'avantage de jugements honnêtes et d'opinions indépendantes qui, dans un contexte différent, pourraient être gardés sous silence de peur d'offenser un groupe dominant ou de heurter une attitude sociale passagère. »

De plus, le professeur Fritz Machlup a démontré que l'enseignement universitaire présente un certain nombre de caractéristiques qui rendent essentielle la permanence d'emploi :

« Dans certaines professions, il est essentiel, dans l'intérêt de la société, que les personnes intéressées puissent s'exprimer librement sans crainte de représailles Pour la grande majorité des gens, l'emploi est distinct de l'expression des idées personnelles. Pour le professeur, au contraire, son travail consiste dans l'expression de ses idées. S'il perd son emploi par suite de ses déclarations ou de ses écrits, il perdra en même temps sa profession et ne sera plus en mesure de soulever ou de discuter utilement les idées acceptées. De plus, si quelques professeurs perdent leur emploi pour des déclarations ou des écrits, on peut penser que l'effet moral auprès des autres professeurs sera tel que leur travail auprès des étudiants et de la société en souffrira. »

Si un professeur a un contrat limité (une année, cinq ans), il y a un risque que l'accent soit mis sur son attitude et ses activités plutôt que sur l'excellence de son travail. En effet, on peut imaginer que certains administrateurs seront tentés de favoriser le professeur à la personnalité agréable quoique peu efficace à un autre plus efficace mais d'esprit critique et indépendant. Cependant, c'est souvent le professeur à l'esprit critique et indépendant qui sera l'instrument du progrès. (Voir également question 4.)

4. *La crainte d'offenser des intérêts puissants est-elle réelle ?* Dans le passé, on craignait surtout d'offenser de puissants intérêts privés représentés au Conseil des Gouverneurs. Cette crainte existe toujours. Dernièrement, le président d'une grande corporation canadienne déclarait que les corporations privées devraient punir les universités qui s'obstinent à engager des spécialistes de l'écologie ou de la lutte contre la pollution en retirant leurs contributions financières. Le professeur Machlup, ancien président de l'A.A.U.P., cite un cas aux États-Unis où un chercheur médical découvrit qu'un médicament distribué par une compagnie qui faisait des dons généreux à son université avait des propriétés toxiques. Il n'avait pas la permanence. Il publia le résultat de ses recherches et fut remercié de ses fonctions. Les difficultés rencontrées par des professeurs tels que Frank Scott, F. H. Underhill et Harry Crowe, démontrent que les intérêts puissants dans la communauté et au Conseil des Gouverneurs ont la possibilité d'attaquer les personnalités qui font la critique de la société.

5. *Existe-t-il d'autres dangers pour la liberté d'opinion à l'université ?* Oui. L'histoire des 25 dernières années nous met en présence d'un danger beaucoup plus grand. Maintenant les universités sont financées par les gouvernements à tel point que, à toutes fins pratiques, elles dépendent des gouvernements pour poursuivre leurs programmes. Les gouvernements exigent des universités qu'elles s'occupent davantage des besoins de la société. A l'université,

personne ne refuse de s'intéresser aux besoins de la société. Mais comment déterminer ces besoins ? Faut-il s'occuper des besoins à long terme ou à court terme ? Faut-il favoriser le développement industriel ou l'écologie ? les études canadiennes ou chinoises ? Les gouvernements en réalité veulent que les programmes soient mis en vigueur de façon efficace. Mais très souvent ils ne désirent pas une critique libre et honnête de la valeur de ces programmes. Les gouvernements sont aussi très sensibles à la mode dans le domaine des études et des politiques universitaires. Si les professeurs n'ont pas la sécurité de contrat, ils n'oseront pas s'exprimer librement dans le cas où ils considèrent certains projets de politiciens ou de technocrates comme peu réalistes et par conséquent la société ne pourra bénéficier de jugements indépendants. Dans ce cas, le professeur sera tout simplement un fonctionnaire du service civil.

Dernièrement, un autre danger à la liberté académique s'est concrétisé sous forme d'attaques de la part de quelques groupes minoritaires d'étudiants et de professeurs qui refusent le principe de la libre expression et qui voudraient voir un pouvoir politique ou économique unique à la tête des départements, des facultés ou des universités.

6. *La permanence a-t-elle des avantages pour le professeur à l'intérieur de son propre département ?* Oui. La crainte d'offenser peut se retrouver à l'intérieur d'une discipline à l'université. Si, par exemple, la majorité dans un département est en faveur d'une certaine conception de cette discipline, il se peut qu'on s'efforce d'imposer cette conception comme une religion à tous les membres du département, nuisant ainsi à la liberté individuelle. Un département de religions comparées, jeune et moderne, peut-il tolérer un théologien traditionnel et conservateur ? Ou encore un département de sciences économiques, aux idées traditionnelles, pourra-t-il tolérer un professeur marxiste ? Un département de sciences politiques, tourné vers la science des statistiques et de l'informatique acceptera-t-il les idées plus traditionnelles d'un professeur de théorie politique ? Les tenants d'une école de psychiatrie peuvent-ils coexister à côté des tenants d'une autre école ? Ces exemples illustrent des problèmes réels dans les universités canadiennes. La sécurité de contrat permet à un professeur de résister aux pressions et de maintenir une position indépendante, ce qui, en dernière analyse, est à l'avantage des étudiants, de l'université et de la société en général. Cela lui permet aussi de consacrer son temps et son énergie à l'enseignement et à la recherche plutôt qu'à des activités de prestige.

7. *La permanence a-t-elle des avantages pour les professeurs en général ?* Oui. Le manque de sécurité pourrait empêcher l'association des professeurs d'aider un collègue en difficulté avec l'administration de l'université.

8. *La permanence a-t-elle des avantages pour le président de l'université ?* Oui, un président d'université avisé favorise la permanence parce que dans les situations difficiles, cela lui permet (ou ses administrateurs) de résister à des attaques injustes faites contre des membres de la faculté sans compromettre sa propre situation. Il lui suffit de rappeler aux responsables de ces attaques, qu'ils soient politiciens, membres de mouvements quelconques ou professeurs activistes que le règlement de l'université impose un arbitrage, indépendamment de ses propres sentiments.

9. *La permanence a-t-elle des avantages pour l'université ?* Oui. Si un professeur ne jouit pas de la sécurité de contrat, il ne se sentira pas libre pour discuter des problèmes de l'université. Non seulement l'université mais la société en général sera donc privée d'une critique honnête, raisonnable et indépendante.

10. *La permanence assure-t-elle l'immunité universitaire à ceux qui enfreignent la loi ?* Non. Tout professeur qui enfreint le règlement soit par des déclarations ou des écrits diffamatoires, soit par une action illégale et violente envers des individus ou l'université, est passible de poursuite, qu'il ait ou non la permanence.

11. *L'université est-elle dans l'obligation de garder à son service des professeurs ayant la permanence mais qui sont atteints d'une incapacité physique ou mentale ?* Non. L'A.C.P.U. croit que l'université doit avoir un plan d'assurance-maladie couvrant ces éventualités.

12. *Qu'advient-il de la permanence, si l'université devient incapable de financer un programme, un département ou une faculté ou encore si dans un certain domaine, les inscriptions diminuent considérablement au cours d'un certain nombre d'années ?* L'A.C.P.U. admet la possibilité que des professeurs ayant la permanence soient remerciés dans le cas particulier d'une coupure de budget. Cependant, nous insistons sur le fait que ces professeurs ont droit à la même protection que dans les cas de renvoi pour cause. Ils pourront avoir recours aux mêmes procédures académiques. Autrement, il est évident que des influences politiques ou des vengeances personnelles pourraient fort bien être déguisées sous l'excuse de coupures de budget.

L'A.C.P.U. a adopté des directives qui s'appliquent à ces cas. Voir le *Guide de l'A.C.P.U.*, p. 49 à 51.

13. *Le terme « permanence » n'est-il qu'une nouvelle façon pour dire « sécurité d'emploi » ?* L'A.C.P.U. croit que ses membres ont droit au même degré de sécurité d'emploi que connaissent les autres professionnels actuellement grâce aux associations, aux unions et aux négociations collectives. Nous croyons que les professeurs d'université, ayant fait des études spécialisées, longues et difficiles, sont très

vulnérables aux caprices de l'économie et du marché et devraient être protégés de ces caprices. Souvent le fait d'embrasser une carrière académique signifie le sacrifice d'autres possibilités, qui, après quelques années, n'existeront plus. Donc, si d'une part, nous considérons que l'objectif principal de la permanence est lié à la fonction particulière de l'université, c'est-à-dire la recherche de la vérité, de la connaissance et l'exercice de l'esprit critique, et aussi au besoin essentiel de protéger la liberté académique, nous reconnaissons d'autre part que la permanence assure une certaine sécurité d'emploi en plus de la liberté académique. Il pourrait être possible dans certains systèmes (par exemple une multi-université à plusieurs campus ou un système dans lequel les professeurs seront fonctionnaires) de séparer la question de sécurité d'emploi de celle de la liberté académique en assurant obligatoirement l'emploi dans un autre lieu s'il se produit des modifications de budget ou de programme. Cependant, ces conditions n'existent pas pour le moment dans les universités canadiennes et l'A.C.P.U. n'est pas d'avis que les professeurs devraient devenir des fonctionnaires. Comme nous l'avons déjà mentionné, nous approuvons le renvoi dans les cas d'incompétence, de négligence ou de mauvaise conduite flagrante. Nous approuvons, dans le cas de fautes moins graves, l'emploi d'autres sanctions, telles que des avertissements, le retrait d'augmentation de salaire basée sur le mérite ou le refus d'une promotion. Nous sommes également favorables à une révision périodique du travail des professeurs ayant la permanence de façon à ce que ceux qui ne s'acquittent pas de leur tâche de manière satisfaisante puissent être avertis ou prévenus de pénalités possibles pouvant aller jusqu'au renvoi. Enfin, l'A.C.P.U. recommande que toutes les universités adoptent ses directives en matière d'éthique professionnelle (voir guide de l'A.C.P.U.) de façon à ce que les mêmes critères soient appliqués partout.

14. *Qu'arriverait-il si la permanence était abolie ?* Deux choses: (a) La société perdrait sa source la plus importante d'opinions critiques et libres à un moment où cela devient de plus en plus nécessaire; (b) La profession serait obligée de chercher d'autres moyens de sécurité. Un moyen serait vraisemblablement la syndicalisation, ce qui pourrait amener une structure où l'accent serait mis sur l'ancienneté, qui est justement le point le plus contesté par beaucoup de détracteurs de la permanence. Il est peu probable que la profession accepterait de revenir au système de l'époque victorienne. Elle chercherait sûrement à se joindre aux autres professions et métiers qui assurent à leurs membres une sécurité raisonnable.

Comment un professeur obtient-il la permanence ?

15. *Un professeur obtient-il la permanence automatiquement ?*
Non. Dans la plupart des universités canadiennes, les professeurs

obtiennent leur permanence seulement après une période probatoire de un à cinq ans et seulement après la révision systématique de leur dossier et la recommandation par un comité de l'université. La période probatoire est, en fait, une sorte d'apprentissage. L'A.C.P.U. s'oppose à la permanence automatique et recommande que les règlements des universités où la permanence est accordée automatiquement soient révisés.

16. *Comment l'université peut-elle empêcher un professeur incompetent d'obtenir la permanence ?* C'est le devoir de l'université de mettre en place des procédures adéquates pour que les qualifications d'un professeur soient examinées de façon à ce qu'un jugement raisonnable et juste soit rendu. L'A.C.P.U. suggère la formation d'un comité où pourraient siéger des membres du département, avec ou sans permanence, des représentants de la discipline en dehors de l'université, des membres ayant la permanence et des experts de départements connexes, le chef de département et le doyen.

17. *Les étudiants ont-ils un mot à dire ?* Oui. Dans beaucoup d'universités canadiennes, l'évaluation par les étudiants est devenue une procédure courante. L'A.C.P.U. est en faveur de ces évaluations en autant que les droits des professeurs ne sont pas menacés. (L'A.C.P.U. est en train d'élaborer un guide pour définir quelles sont les procédures justes et équitables dans ce domaine.) Ces évaluations peuvent être utilisées par le comité de la permanence comme un des facteurs permettant de former un jugement.

18. *Pourquoi l'A.C.P.U. considère-t-elle que la période probatoire maximum est de cinq ans ?*

- (1) Parce qu'une administration qui ne peut, après une période de quatre ans, prendre une décision sur un professeur est elle-même incompétente;
- (2) Parce qu'une période probatoire plus longue est de nature à créer un état d'esprit de dépendance qui est contraire à la liberté de recherche et d'expression;
- (3) Parce qu'il y a une hésitation bien naturelle chez les administrateurs à remercier des personnes qui ont fait partie de l'université pendant une longue période de temps, et qui s'y sont pour ainsi dire enracinées. C'est pourquoi les périodes probatoires trop longues ont tendance à résulter dans le maintien de poids morts à l'université;
- (4) Parce que c'est une injustice d'obliger une personne qui s'est adaptée à la vie universitaire après une période de plus de cinq ans à se chercher une autre carrière et un autre style de vie.

19. *La permanence devrait-elle être liée à la promotion ?* Non. La promotion aux rangs de professeur associé ou de professeur est distincte de la permanence et ne devrait pas être confondue avec

elle. Il peut arriver qu'une université n'ait pas le budget nécessaire pour offrir une promotion à un professeur adjoint tout en désirant le garder de façon permanente et lui offrir une promotion quand l'occasion s'en présentera. L'université peut aussi désirer garder certains instructeurs et chargés de cours, qui n'enseignent que des cours d'introduction, à un rang particulier. Ces membres de la faculté ont aussi droit à la permanence même s'ils n'ont pas droit à la promotion. Si la justification de la permanence est véritablement d'assurer à la société la liberté d'opinion, alors la permanence est tout à fait distincte du rang.

20. *Le système de la permanence signifie-t-il qu'un professeur n'a pas de protection pendant la période probatoire ?* Non. L'A.C.P.U. considère que si, au cours de la période probatoire, le contrat d'un professeur n'est pas renouvelé dans des circonstances qui ne sont pas conformes à la liberté académique, celui-ci a droit à un arbitrage. Cependant, c'est à lui qu'il revient de défendre son point de vue (son enseignement, ses activités académiques et sa contribution au département). Ceci est le contraire de ce qui se passe dans le cas d'un renvoi avec cause. De plus, l'A.C.P.U. considère que pendant la période probatoire, tous les professeurs devraient connaître les raisons du non-renouvellement de leur contrat et avoir l'occasion de faire appel. Finalement, l'A.C.P.U. insiste vivement pour que les professeurs en probation soient considérés pour la permanence selon un système juste et équitable pour toutes les parties, pour que les raisons de refus soient données ainsi que l'occasion de réfuter ces raisons. Nous répétons que la période probatoire ne devrait pas être plus longue que cinq ans. Toutes ces mesures sont de nature à assurer la sécurité des professeurs qui sont en cours de période probatoire sans cependant leur donner la certitude de la permanence.

Un professeur ayant la permanence peut-il être renvoyé ?

21. *La permanence signifie-t-elle qu'un professeur ne peut jamais être renvoyé ?* Non. L'A.C.P.U. est en faveur d'un système selon lequel un professeur ayant la permanence peut être renvoyé pour cause, par exemple, de mauvaise conduite flagrante, d'incompétence ou de négligences répétées.

22. *Comment un professeur ayant la permanence peut-il être renvoyé ?* Nous croyons que la meilleure façon est au moyen d'un arbitrage conduit de telle sorte que ni la justice, ni le processus académique ne soient lésés.

23. *Qui doit prendre la responsabilité du renvoi d'un professeur ayant la permanence ?* La décision d'entreprendre des procédures visant éventuellement à un renvoi avec cause doit être prise par le président de l'université sur le conseil de ses administrateurs. Si

les administrateurs n'ont pas le courage d'accepter l'arbitrage avec tout ce qu'il comporte de déplaisant, alors c'est l'administration qui est en faute, non la faculté.

24. *Que signifie l'arbitrage dans le cas d'un renvoi avec cause ?* Cela signifie que le tribunal chargé d'examiner le cas est constitué, soit de membres tous acceptables aux deux parties, soit selon la formule d'un membre pour chaque partie, le président étant acceptable pour les deux. L'A.C.P.U. préfère la première solution car elle met en présence trois arbitres plutôt que deux adversaires et un arbitre. (Voir dans le *Guide de l'A.C.P.U.*, p. 18, les principes de l'A.C.P.U. sur les nominations et la permanence.) Cela signifie aussi que les procédures seront en conformité avec la justice et le processus académique. Pour un tel arbitrage, les exigences minimales sont les suivantes: (a) un avis de charges portées contre le professeur ainsi que du temps et de l'endroit de l'arbitrage; (b) le droit du professeur, de son chef de département et des membres de l'administration de se présenter à l'arbitrage et de s'y confronter; (c) le droit à l'avocat; (d) le droit au contre-interrogatoire; (e) le droit de présenter ses témoins; (f) une déclaration écrite des faits et des raisons de la décision; (g) le droit à l'établissement des minutes. Si la cause est de nature académique, l'arbitrage devrait comporter le droit de convoquer des experts. Enfin, la décision du tribunal doit être définitive et sans appel pour les deux parties ¹.

25. *Pourquoi l'A.C.P.U. demande-t-elle un arbitrage dans les cas de renvoi pour cause ?* Parce qu'un arbitrage est non seulement juste en soi mais généralement considéré comme juste par la plupart des gens. La décision d'un tribunal d'arbitrage bien constitué et bien dirigé sera acceptée par la plupart des membres de la communauté universitaire. Dans ce cas, il est peu probable qu'une demande en vue de réouvrir le dossier reçoive quelque appui sur le campus. Dans les cas difficiles, toute autre procédure pourrait être considérée comme sans valeur par l'une des parties et la procédure elle-même contribuerait à créer un problème insoluble. Le grand avantage d'un arbitrage bien mené est le fait qu'il est définitif. De plus, l'arbitrage protège la réputation de l'université qui ne peut ainsi être accusée d'intolérance ou de prendre des décisions arbitraires ou trop rapides résultant finalement en dépenses coûteuses pour la communauté. Le dernier argument et le plus sérieux est que le renvoi pour cause signifie presque certainement la fin de la carrière pour un professeur. Une telle action ne devrait donc pas être prise à la légère et le professeur en question devrait avoir droit aux procédures les plus justes possibles.

1. L'A.C.P.U. préfère un accord selon lequel les deux parties s'engagent à ne pas utiliser les services d'un avocat. L'A.C.P.U. reconnaît que ce n'est pas à l'université de payer les services d'un avocat pour un professeur désirant ces services mais considère que l'université devrait assumer les frais de conseil légal aux chefs de départements et aux autres membres de l'administration qui sont impliqués dans ces conflits si le professeur est lui-même représenté par son avocat.

26. *Pourquoi ne revient-il pas au président ou au Conseil des Gouverneurs de prendre une décision ?* L'A.C.P.U. est d'avis que la personne qui porte les charges dans le cas d'un renvoi éventuel ne peut en même temps juger du bien-fondé de ces charges. Lorsque le président d'une université juge que les faits justifient la mise en cause d'un professeur sur l'avis des membres de l'administration, il ne peut être absolument impartial dans ce cas, non plus que les personnes qui l'ont conseillé. (Voir Alwyn Berland, « The Role of the University President in Dismissal Procedures », *C.A.U.T. Bulletin*, Vol. 19, n° 4, été 1971.) Le Conseil des Gouverneurs est dans la plupart des cas l'employeur légal. De plus le Conseil se doit d'approuver les décisions de son officier supérieur principal car le contraire équivaldrait à un vote de non-confiance et à une démission forcée. Il faut dire aussi qu'en général les membres du Conseil des Gouverneurs ne sont pas qualifiés pour juger une question de compétence académique.

27. *Les procédures de renvoi sont-elles compliquées au point qu'en pratique les professeurs ayant la permanence ne sont jamais renvoyés ?* Non. L'existence d'un mécanisme quasi-légal considéré par la majorité comme juste fait qu'en réalité les professeurs qui sont effectivement coupables de mauvaise conduite flagrante, d'incompétence ou de négligences répétées, préfèrent souvent donner simplement leur démission plutôt que de passer par l'arbitrage. Ces cas ne sont pas rendus publics, et même s'ils parviennent à la connaissance de l'A.C.P.U., ils restent confidentiels car le contraire serait une injustice. C'est pourquoi le public n'entend parler que de cas particuliers plus spectaculaires et en conclut à tort que les professeurs ayant la permanence ne sont pour ainsi dire jamais remerciés. Il peut aussi arriver que si l'université n'a pas un système d'arbitrage juste et efficace un professeur incompetent puisse utiliser l'excuse d'influences politiques pour masquer son incompetence. Si les procédures suivies dans ce cas ne sont pas suffisamment au point, alors il pourra subsister un doute dans l'esprit de la communauté universitaire quant à la réalité de l'incompétence du professeur. Ainsi l'absence de procédures suffisantes pour permettre à un professeur incompetent de continuer à travailler dans la communauté académique et s'installer dans cette carrière grâce à la sympathie qu'il s'est gagnée en laissant croire qu'il était menacé d'expulsion pour des raisons politiques.

La permanence et les tribunaux

28. *Un professeur ayant la permanence et remercié sans avoir l'avantage d'un arbitrage juste peut-il en appeler aux tribunaux ?* Il semble que non. Beaucoup de professeurs considèrent que la permanence leur confère un droit juridique comme l'*habeas corpus*.

Cependant les tribunaux canadiens hésitent à légiférer qu'un contrat avec permanence donne droit à un arbitrage à moins que la permanence ne fasse partie des statuts ou de la charte de l'université. Il y a très peu de chance pour qu'un tribunal puisse venir en aide à un professeur remercié sans arbitrage juste.

Si la permanence est mentionnée dans le contrat mais non pas dans la charte de l'université, elle ne peut avoir un caractère légal que si les procédures pour l'accorder ou pour renvoyer pour cause sont aussi incluses dans le contrat. Il est probable que dans un tel cas, les tribunaux n'accorderaient que des dommages mais n'exigeraient pas un arbitrage.

29. *Si le statut de la permanence est incertain, quelle autre sécurité un professeur a-t-il ?* Pour la plupart des professeurs, la validité de la permanence est assurée par une action collective au niveau de l'association locale des professeurs et par l'A.C.P.U. C'est le rôle de l'A.C.P.U. d'essayer de prévenir les abus dans le système de la permanence et ceci dans l'intérêt de tous les professeurs. Si une université réussit à miner le système de la permanence, la liberté de tous les professeurs sera en danger.

L'A.C.P.U. utilise un certain nombre de méthodes pour tenter de résoudre différents problèmes: négociations avec l'administration en question, enquête sur les faits dans le cas d'un litige, publication de recommandations, coopération dans la formation de tribunaux impartiaux et si nécessaire, censure d'une université ou d'individus considérés fautifs.

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OMBUDSMEN in UNIVERSITIES

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The ombudsman idea is nearly two centuries old, but only during the last ten years has the idea spread beyond Scandinavia.¹ It has not only spread geographically to cover more countries, the idea has also expanded vertically within societies to be applied in various semi-governmental or non-governmental spheres. The most conspicuous of these areas is education.

The reason for the attractiveness of the ombudsman idea in universities should not be considered obvious. The governmental version of the ombudsman idea evolved from the original specialized auxiliary instrument of a representative assembly for controlling administrative agencies (not accountable through a minister to Parliament — Sweden) to a general complaint-handling agency only formally

1. The following references give the most useful general works on the ombudsman: D. C. Rowat, *The Ombudsman, Citizen's Defender* (University of Toronto Press, 1968), also recently D. C. Rowat, "Whatever Happened to the Federal Ombudsman?" *Saturday Night*, October 1971; W. Gellhorn, *Ombudsman and Others, Citizens' Protectors in Nine Countries* (Harvard University Press, 1966); W. B. Gwyn, "Transferring the Ombudsman:" in S. V. Anderson, *Ombudsmen for American Government?* (Prentice-Hall, 1968).

We would like to express our appreciation to Professor Rowat from Carleton University, who read a first draft of this note, for some useful suggestions and criticisms.

connected with Parliament. This modern ombudsman institution is justified on the assumption that a helpless, powerless individual faces a complex, incomprehensible, and menacing bureaucracy against which he needs the protection of an intermediary with equal or greater powers and with a sympathetic ear for his plight. It is also assumed that the individual is not, or not solely, to be blamed for his plight but that it is the responsibility of society to do something about it.

Is that the situation of the student, the professor, and the non-academic staff member vis à vis the university bureaucracy? Are they not highly educated adults, the present or future elite of society, who should know their way around the system and be able to help themselves, use existing machinery intelligently, solve their own problems? They have some share in the governing of the university; most rules are made by academics now with an increasing amount of student participation. Those are, of course, normative assumptions. Any empirical assessment of the situation of the individual student, professor, or other employee of the university, may show that his or her situation as an individual is as bad or even worse than the plight of the citizen facing a government bureaucracy.

Accountability of university bureaucracies — whether to courts or to elected representatives — is even less real or effective than the minimal accountability of government bureaucracies.² The substitute to political and judicial accountability that we have trusted in — namely, the running of universities by academics — does not of itself produce better administrative behaviour; from personal impression we conclude that frequently enough the behaviour is worse. In addition, there are usually no channels of appeal available outside the university.

For some of us this argument constitutes ample justification for the appointment of a university ombudsman. Most advocates of an ombudsman appointment take a more pragmatic approach by either assembling a number of cases in which students were victimized or through a more general empirical assessment of the situation of students in the context of their specific institution. Usually a plausible case can be made. If we consider the wider social context the case is not so obvious. Why should students, or indeed professors, be singled out for special attention or special help with their problems? Consumers, tenants, high-school students, tourists,

2. One ombudsman advocate has argued that "...through a functional analysis of the higher educational bureaucracy we see that the individual is in a powerless position on every campus. This argument thus far is crucial to my understanding and discussion of ombudsman. What is needed is a systemic change; that is, a new agent in the educational bureaucracy to give 'humanism the edge over bureaucracy', to give power and weight to the individual, to redress the asymmetrical balance between person and institution." N. K. Schlossberg, "The Ombudsman in Current Status and Theory", Papers from a Conference, The Institute of Local Government and Public Service, Chico State College, California, 1969, p. 63.

soldiers, women or any conceivable minority group may have as good a claim or a better one. Since universities are spending public monies to pay for an ombudsman operation, the question is not as irrelevant as it may sound at first. In most cases we probably do not face this question, but some possible answers can be suggested: (1) Universities cannot make decisions in those other areas; hence the question may indeed be irrelevant. Within the university community we have a certain autonomy allowing us to make decisions on the basis of our own value assumptions. Whether these values can be defended in society is another question. (2) Universities have a responsibility to perform their functions in the most efficient manner possible. Taking a broad view of the meaning of "efficiency" in a university context we may hold that an ombudsman will have the effect of making university authorities more responsive to the needs and demands of its clientele and, therefore, the university more efficient in achieving its objectives. Universities are spending millions of dollars; if \$20,000 to \$30,000 more will improve efficiency in this broad sense, the money may indeed be well spent.

Other Serious Objections

There are other serious objections to an ombudsman appointment in universities; while they are not as general as the one just considered, some of them should at least be briefly examined:

(1) An ombudsman might merely duplicate functions performed by other offices within the university, specifically "student affairs offices". There may be some truth in this, but there are several reasons why that should not be considered sufficient for rejecting the ombudsman idea out of hand. We have very little reliable information about the effectiveness of their counselling service (or that of departments or deans' offices). In addition, these offices usually perform several functions in relation to students; among them is discipline. Their decisions may be the object of a complaint. These offices are part of the university bureaucracy and may show the same bureaucratic shortcomings in their dealings with students: delay, rudeness, arrogance, inflexible application of rules, etc. The attitude of the complainant towards the investigating agency ought to be an important consideration in a serious effort to deal with complaints. Anything less than apparent or demonstrated independence will not produce the results we should aim for; students will not air their complaints, or if a complaint is aired and rejected, the student will refuse to accept such a decision. A credible investigation ought to be made from outside the agency which is being investigated.

The argument is more often expressed as a fear that the ombudsman might replace existing appeal procedures. We will have to reject

this argument on the basis of both the civil and university ombudsman experience. Ombudsmen are aware of the problem and normally do refer complainants to non-exhausted appeal channels. An appropriate instruction can be included in the ombudsman's terms of reference (as it is included in statutes for civil ombudsmen).

(2) As indicated earlier, one might hold that it is not in the best interests of students to spoon-feed them or to solve their problems for them because it might deprive them of an opportunity to increase their social skills, as well as their sense of achievement in overcoming a problem. It is, however, difficult to assess whether such benefits actually accrue if one leaves students on their own. On the other hand, we find many arguments suggesting that a student who is unable to solve a problem speedily will feel alienated, with potentially detrimental consequences for himself and the university. A look at the experience of existing university ombudsmen (mainly in the United States), suggests that the latter argument should be given preference. The kinds of problems that reach the ombudsman are rarely perceived by the student as an interesting challenge. The more frequent feelings are those of irritation, frustration, despair or anger. Not all problems reach the ombudsman; most students will continue to solve their own problems even after the appointment of an ombudsman. In addition, the ombudsman teaches students the appropriate use of existing channels of complaint by directing them to their use before he will go further into the matter.³

(3) Others object to the introduction of a university ombudsman on the grounds that such a move will lead to postponement of necessary reforms.⁴ Such a result is not unthinkable but it could be a very spurious argument to assume a causal relationship between those two events. Inasmuch as the establishment of an ombudsman office constitutes some form of reform, it is unlikely that those opposed to reform would rely on this device for preventing reform. But we need not rely on this kind of reasoning to reject this particular objection to the university ombudsman. If we are attentive enough when the terms of reference for an ombudsman are laid down, and when the office holder is selected, we can make it part of his role to be an agent of change.⁵ We should not, on the other hand, make the mistake of relying only on the ombudsman for

3. One ombudsman considers that half his cases are for reference to some appropriate university authority (Dean of Students, Registrars, Counselling Centre, Business Office, etc.). He writes: "This is the action taken in most of the cases that come to me. I sometimes call myself a traffic policeman directing student traffic down one street or another. I am sometimes surprised at how little they know about the help available to them even after four or more years on campus." James Rust, "The Ombudsman at Michigan State University", Papers from a Conference, Chico State College, p. 44.

4. This apprehension is contained in the C.A.U.T. resolution on grievance procedures (C.A.U.T. Handbook, p. 36, item 9).

5. The terms of reference of the University of Alberta ombudsman, e.g. include a request by the Board of Governors that the ombudsman include in his annual report "recommendations for changes in academic and administrative procedures and practices".

improving procedures or see this part of his role as his predominant activity. One campus ombudsman put it this way: "My role is less that of an innovator than of an expeditor." This was essentially an assessment in quantitative terms. The same ombudsman sees case work and general reform as inseparable parts of the ombudsman's role: "... campus ombudsmen ... strive to serve individual student needs while they help to improve the structure and procedures of the total institution".⁶

By way of summary, we should offer the following considerations. How one justifies the appointment of a university ombudsman depends at least partially on how the issue arises in individual universities. It is not impossible to make a case for university ombudsmen in general, but such a case will inevitably be based on the personal value preferences of those who argue the case. These value preferences may or may not be shared by a specific university community; if they are not, then no case has been made for that institution, however cogent the argument. We should instead focus on three different situations in which the issue normally arises: (i) We may analyse the structure and governance of universities as an academic exercise. If we find insufficient patterns of accountability, a number of remedies, among them the ombudsman idea, can be suggested. The ombudsman, we would argue in such a case, might mitigate some of the worst consequences for the clientele (students) of an insufficiently accountable bureaucracy. (ii) As members of specific university communities we may, in the course of examining concrete problems, discover student (or staff) dissatisfaction with various aspects of university life. We may become aware of cases in which the system produced unexpected or potentially dangerous results. Using the problem solving approach we find ourselves strongly attracted to the ombudsman idea. The ombudsman can investigate a complaint impartially, informally, inexpensively and speedily. The institutional set-up of an ombudsman is quite compatible with many systems of university governance. The ombudsman represents an almost ideal solution for the problems we encounter. (iii) A third situation is that of a "democratic" demand being made (by students or staff or both) for the provision of the services of an ombudsman. The only questions that need to be answered in justifying the appointment of an ombudsman in such situations are those of costs versus benefits, and whether dysfunctional consequences can be avoided. As the prior consideration of these questions already suggested it is difficult to raise objections against an ombudsman on the grounds of costs if our parameter is only the university itself. And students of the ombuds-

6. Nelson F. Norman, "The Ombudsman: A New Bird on Campus". San Diego State College (duplicated paper).

man institution are reasonably sure that dysfunctional consequences can be avoided if certain minimal conditions are met in establishing the position.

Structure and Operation of a University Ombudsman Institution

Assuming that a decision has been made to adopt the ombudsman idea for a university, what structure should the institution be given and how should it operate to maximize goal achievement? The ombudsman institution established by the University of Alberta at Edmonton will be used as a paradigm to illustrate some of the problems; it is one of the first two broadly conceived university ombudsman institutions set up in Canada.⁷ We should briefly consider the politics of adoption, then look at important structural characteristics, and finally consider some aspects of the actual operation of the office at the University of Alberta.

The first stimulus to consider the ombudsman for adoption by the University of Alberta appears to have come from two sources; the university president received letters independently from the Senate and from one member of the faculty association executive; the latter had been closely involved with complaints for more than a year on the association's welfare committee and felt the urgency of the need for reform. The president appears to have brought the matter before the Board of Governors. In August 1969 the board invited recommendations to be forwarded to it through General Faculties Council (the major body making academic policy) on the establishment of a university ombudsman.⁸ In December 1969 the Executive Committee of General Faculties Council (G.F.C.) decided to ask the president to set up an ad hoc committee to look into the problem; it also decided that because of the general interest in the matter the committee should not be a G.F.C. committee but one that was broadly representative of all the groups of the university community. Thus the following groups were invited to appoint two committee members each: the students' union, the graduate students' association, the association of academic staff, and the non-academic staff association. The committee elected its own chairman. It was expected that the committee's report would be debated by G.F.C. A lengthy report recommending the appointment of an ombudsman⁹

7. *University Affairs*, Vol. 12, No. 5 (May 1971), reports briefly about the new university ombudsman institution at Sir George Williams University. The only apparent difference between the two offices is the provision that the ombudsman office at Sir George Williams consists of three faculty members.

8. Folio, *The University of Alberta Staff Bulletin*, Edmonton, Sept. 11, 1969.

9. The major elements of the committee's recommendations were these: "It was the unanimous conclusion of the committee that there should be an ombudsman at The University of Alberta. . . . The office holder must have a marked capacity to develop a rapport with members of the university community at various levels. Expertise in university matters without the ability to empathize and develop this rapport would,

was sent to the president in March 1970, but consideration by G.F.C. was deferred. The chairman of the committee had to remind the president and the executive of G.F.C. not to forget the report and finally in September 1970 it was published and put on the agenda of G.F.C.

There was general approval¹⁰ of the recommendation in G.F.C. although the terse reporting of the minutes¹¹ does not indicate enthusiasm. In any case, there was no opposition in principle to the proposal. The only concerns expressed were that the ombudsman should not act prior to the use of existing appeal procedures,¹² and that publicity could be very damaging to individuals involved in an investigation. Only two weeks later the Board of Governors adopted in principle the G.F.C. recommendation to appoint an ombudsman (Oct. 9, 1970). The extent of the board's interest in the subject is documented by their detailed attention to this proposal and by the significant changes they made in implementing the proposal. A board committee was set up to discuss the implementation of the recommendation with the executive committee of G.F.C. and with the president's ad hoc committee that had generated the first report. The board committee appears to have gone into considerable detail, meeting six times between October 1970 and January 1971. It concluded that "the size and complexity of the university and the speed with which this growth has taken place, make it desirable that there be one person, familiar with, but not an active participant in the institution, who will maintain 'an ever open door' for the individual in need of help. The extent and nature of the problems to be handled and the procedures to be followed have not been and cannot be precisely defined in advance . . . the university ombudsman

in the opinion of the committee, prevent the office from achieving any substantial measure of acceptance. Obviously, any appointee must be capable of earning a high degree of respect, and be a person in whom great trust and confidence can be placed. This implies in the appointee the capacity to exercise good judgment.

The committee was of the unanimous opinion that the ombudsman should be responsible to the General Faculties Council. It was also the unanimous conclusion of the committee that his salary should be commensurate with that paid to deans at The University of Alberta.

The committee was of the view that the university ombudsman office should be as independent as the legislative powers of the Board of Governors will allow, and that the main purpose of the office should be to deal with specific complaints from the members of the university against administrative injustice and maladministration. The holder of the office would have power to investigate, criticize and publicize, but no power to reverse, administrative action. The committee was of the opinion that in every case the ombudsman should act in such a way as to allow existing procedures an opportunity to provide a solution to a particular complaint.

The committee wishes to emphasize that the ombudsman must work alone, and conduct his investigations in private. Publicity is his only weapon and should not be resorted to until all other methods of obtaining redress from administrative injustice or maladministration have been tried. The committee also wishes to emphasize that the work of the ombudsman should be characterized by an informal and personalized approach."

Folio, The University of Alberta Staff Bulletin, Edmonton, Sept. 3, 1970. The committee also produced a draft by-law for the institution which followed closely the Provincial Ombudsman Statute.

10. Student representatives expressed general approval of the proposal; they first asked that the discussion be deferred until students were properly represented on council (demand for parity) but then in debate the students withdrew the request for a delay.
11. The University of Alberta, Minutes of a meeting of the General Faculties Council, Sept. 28, 1970, pp. 6-8.
12. The committee had in fact recommended just that.

when appointed will evolve his own procedures and should be free to do so.”¹³

The board committee concluded that a university ombudsman could not be patterned very closely on the provincial ombudsman model, unless the Legislature would amend the Universities Act to provide for such an officer or to extend the existing provincial ombudsman's jurisdiction to universities. Since that would require extensive consultations with other provincial universities the board committee recommended a more limited ombudsman system with such powers as could be authorized by the board. The university community should be aware of these limitations and so should the ombudsman himself; in particular he should be aware of “his possible legal liability for actions or comments beyond his authority and privilege”.¹⁴ Since the ombudsman would not have the legal powers of the provincial ombudsman to compel witnesses, etc. a university ombudsman would only be successful if he found the cooperative acceptance of all segments of the university community.¹⁵

The board's committee questioned whether G.F.C. had the authority to appoint the ombudsman as an officer of G.F.C.; they argued that the statutory powers of G.F.C. pertained to “academic affairs” while the ambit of the proposed ombudsman was much wider. In addition the actions of G.F.C. or its members as individuals could be the object of the ombudsman's investigations and “his impartiality would be better safeguarded if his ultimate responsibility be to some other body”. The Board of Governors itself should accept responsibility for the university ombudsman; the committee added, however, that, in order to ensure the ombudsman's impartiality, he should be appointed by the board “on the advice of a committee representative of the whole university community”. The ombudsman would direct reports and recommendations on individual cases to “the most appropriate body or individual”. The ombudsman is required to make one annual report at the end of each academic session on the exercise of his functions to the Board of Governors and other bodies which authorized investigations. This report is expected to contain a summary of the work of the office and recommendations which the ombudsman may want to make concerning changes in academic and administrative procedures and practices.

The actual resolution of the Board of Governors provided for the appointment “as an officer of the university [of] a commissioner of investigations to be called the university ombudsman”. The Board of Governors would act on the recommendation of an advisory

13. Committee Report, printed in Folio, Feb. 25, 1971, p. 1.

14. *Ibid.*, p. 2.

15. Students of governmental ombudsman institutions would claim that the same is true for these ombudsmen. Although they have extensive legal powers they avoid their actual use because they feel they are more successful through “cooperation”.

selection committee, composed of eleven members nominated in the following way: two nominated by the board, two by G.F.C., two by the Students' Union, one by the Senate, one by the academic staff association, one by the non-academic staff association, one by the Graduate Students' Association, and one by the Alumni Association. The university ombudsman would hold office for two years and the Board of Governors would review the institution after two years. All information received by the ombudsman in the performance of his duties must be held in confidence by him, except where its release is necessary to the performance of his duties. The university ombudsman may be suspended or dismissed for cause (and "any unauthorized disclosure" of information "shall be a cause for summary dismissal"). The central statement outlining his jurisdiction reads as follows: "It shall be the function and duty of the university ombudsman to listen to and to investigate and to seek to resolve complaints and grievances made to him by students and staff of the university concerning any academic and administrative procedures, practices, and decisions". His jurisdiction extends over any matter over which the Board of Governors has authority. The ombudsman's power may be further extended to cover persons and organizations which are a part of the university community, but which are not subject to the authority of the board. Such organizations as the Association of the Academic Staff of the University of Alberta and the Students' Union or the Non-academic Staff Association may, with their consent, be included in the purview of the ombudsman. All persons or groups subject to the board's authority and those that voluntarily submit to the ombudsman's authority "shall cooperate fully with the university ombudsman in the performance of his duties and functions". If cooperation is refused they must give the ombudsman their reasons in writing. "The university ombudsman need not investigate and may discontinue any investigation commenced by him if it appears to the university ombudsman that: (i) the complainant has some other remedy, right of appeal, or objection which he is then or could then be prosecuting; (ii) the complainant has unduly delayed bringing the complaint; (iii) the complaint is frivolous, vexatious, not brought in good faith, or is otherwise an abuse of the university ombudsman's functions; (iv) the complainant is not personally interested in the resolution of the complaint".

Concerning the procedures to be adopted by the ombudsman, the Board of Governors gave only the most general instructions: "The university ombudsman shall determine the procedure to be followed by his office and shall make such regulations concerning the making and recording of complaints, results, and the like as he shall see fit, but he shall in the formulation of such procedures be guided by the board, namely: (i) that the university ombudsman shall be easily

accessible and readily available to students and staff; (ii) that such procedures as may be developed shall avoid formality and form and shall stress informality and openness; (iii) that the functions of the university ombudsman be effected with all due speed".¹⁶

A Good Model

The structure of the University of Alberta ombudsman institution must be considered a good model for other universities in almost all respects. Despite the board's efforts to emphasize basic differences between the provincial ombudsman and the university ombudsman, the similarity in the basic elements of the institution are very great, while the differences pertain mainly to formal aspects of the institution.¹⁷ There are only a few points that could be criticized, and only one of them touches an important matter. To take the latter first: no ombudsman should have to live and work under the threat of "summary dismissal". Such a power could be abused to get rid of an ombudsman who produces recommendations unwelcome to administrators; or worse, fearing such a possible abuse, an ombudsman might "adjust" his behaviour consciously or unconsciously to the expectations of those who can wield and abuse this power. The ombudsman should not be subject to dismissal without a hearing; preferably the hearing should be held by a committee composed in the same way as his advisory selection committee. Even such a "fact" as "unauthorized disclosure" of information needs to be established by an authority other than the one having the power of dismissal, in order to protect the ombudsman from illegitimate pressures. That argument stands independent of an assessment of the chances that such an abuse will or will not actually occur.

A few other points could be criticized: (i) a trial period of two years may be too short for a reliable assessment of the new institution and a term of office of three years seems more reasonable to allow for better use of the ombudsman's experience; (ii) the idea of having a trial period could open the door to misinterpretations or abuse; is the ombudsman institution or the incumbent on probation? And what constitutes good behaviour? And who decides the question? It should be clear that there was no real need for emphasizing a trial period: the board legally has the right to un-do what it has done whenever it wants to. (iii) Finally, one might quibble with the composition of the selection committee: students and graduate students should be given stronger representation;

16. All the quotations and the paraphrasing of the report of the board's committee presented above are based on the publication of the report in *Folio*, the University of Alberta Staff Bulletin, Edmonton, February 25, 1971.

17. The Ombudsman Statute of Alberta is almost a precise copy of the New Zealand Ombudsman Act, and that has been generally recognized as an excellent legislative framework for the institution.

equally it could be argued that the staff associations as the representatives of their members' professional interests were under-represented on the selection committee while the presence of the Senate or the alumni appears less justifiable or necessary.

These criticisms should not, however, detract from the basic positive evaluation of the University of Alberta ombudsman institution. The jurisdiction is wide enough; the prescribed procedures are sensible and appropriate; the ombudsman's authority should prove sufficient, and his independence and impartiality (with the qualifications noted above) appear reasonably well protected.

It is more difficult to make general statements about the politics of adoption. The stimulus for considering the ombudsman came independently from two sources; it is important to recognize that an individual in the faculty association made the suggestion on the basis of case experience. However, without the serious interest and strong support of the Board of Governors it is unlikely that the University of Alberta would have adopted a model university ombudsman institution. It was essential that the board's initiative found such strong support among students and staff associations (in the president's ad hoc committee); without that support it might have been difficult to get G.F.C. approval for the recommendation (for reasons of institutional lethargy rather than opposition in principle).

At the time of writing the University of Alberta ombudsman has been in office for some five months. Although this is too short a time for evaluating the actual operation of the office a few comments can be made.

At the end of July 1971 the Board of Governors appointed Dr. Donald Scott to the position of ombudsman, on the recommendation of the selection committee. Dr. Scott is a professor of physics and former chairman of the department of computing science; he has been at the University of Alberta since 1940. By the end of January 1972 (after five months of operation) the ombudsman has had the following case load:

*Number of complaints by group*¹⁸

Group	Cases	%
Students	104	77.0
Non-academic staff	18	13.3
Academic staff	13	9.7
Total:	135	100 %

18. The categories used here are preliminary ones; they may change later when the ombudsman issues a formal report.

Complaints vary considerably in complexity and therefore in the time needed to resolve them. One of the surprising first results we can observe is the fact that the complexity of complaints varies significantly with the group from which the complaint originates (in so far as complexity expresses itself in the time needed to resolve a case): approximately three-quarters of the complaints came from students but according to Dr. Scott's preliminary estimates they took up only half of his time. The non-academic staff complaints took up about 15% and the faculty members' complaints about 35% of his time.

As far as the confidentiality of the records permitted, Dr. Scott gave an indication of the general nature of the complaints. It is difficult to see any trends yet in faculty complaints; they ranged from those completely outside his jurisdiction (not connected with the University of Alberta at all), and the trivial complaint of a faculty member that the books ordered were not in the bookstore (the faculty member had apparently not contacted the bookstore to find out the reasons for the delay), all the way to contract disputes, tenure and even a possible dismissal case. Non-academic staff complaints apparently concerned mainly contract problems, career disputes and personality conflicts. Students' complaints ranged very widely, too: registration problems, credit for courses taken elsewhere, grades, quality of instruction and more general complaints about power structures and alleged persecution.

When the ombudsman receives complaints about instructors and the quality of teaching, he likes to assure himself that he is not dealing with an isolated case of discontent. If he has that assurance he refers the matter to the department head for comment and action, requesting that the ombudsman be informed of the results. Several such cases were resolved to the ombudsman's satisfaction. Students might have aired these criticisms in the normal direct way, but some of them were — rightly or wrongly — afraid of repercussions. The ombudsman's presence reassured them and the problems were resolved quietly and efficiently. Most student complaints require speedy action to be of any help to the student. Dr. Scott commented: "... this is the nature of some of the problems, that if a solution isn't available within a matter of 24 hours, it's too late, and in this case the ombudsman should be able to step in and do something really quickly..."¹⁹ In such cases the formal appeal avenues may have to be disregarded in the interest of justice.²⁰

19. Interview, October 1971.

20. Cases of this type should not be seen as examples of an ombudsman circumventing existing appeal machinery: they may be a revealing comment on the appropriateness of existing appeal procedures. Dr. Scott said: "If a registration has been refused at the time of registration and an appeal is made to the relevant Faculty Council which, however, doesn't meet until six weeks after registration, there is no point in waiting, and if I can step in and do something that is what I am expected to do" (Interview, October 1971).

The ombudsman relies almost exclusively on cooperation from administrators and faculty members in investigations, and on persuasion for having recommendations accepted. Dr. Scott said he had received "total cooperation" from anyone he had gone to see. When questioned about the authority which the ombudsman has, Dr. Scott commented: "I don't demand anything: I wouldn't dream of demanding. I don't summon people to my office — I go to see them. I do this as a matter of policy, in order that there should be no suggestion that the ombudsman is walking over people and using authority."²¹

The operation of the ombudsman at the University of Alberta shows an emerging pattern not unlike that of broadly conceived ombudsman offices in some U.S. universities. One of the simplest and yet most perceptive descriptions of the functions of a university ombudsman came from one of the practitioners. Dr. Rust, ombudsman at Michigan State University, wrote: "What does the ombudsman do when a student comes to him? What action does he take? What response does he make?"

1. *To repeat, he listens.* A considerable number of students seem to want nothing more than a chance to talk to someone who will really listen. To be a courteous, even sympathetic listener is the first duty of a college or university ombudsman...

2. *He advises.* By no means all the students who come in are complaining about the arrogant, capricious, or unprofessional behaviour of an administrator or a faculty member. A sizable percentage simply want advice about a wide variety of problems...

3. *He explains.* It has been my observation over many years that students are sensible, reasonable people. Many of the complaints that they bring to me are the result of misunderstanding or insufficient information. When someone explains why it is that they must do this or that or may not do the other, the great majority will accept the situation with good grace...

4. *He refers.* Many students come to me with questions, complaints, or problems that can best be dealt with by another faculty member or official of the university...

5. *He reviews.* Often a student comes to the ombudsman because he is unhappy with a decision made by some university functionary. For example, perhaps he has asked permission to move from a dormitory room to a room or an apartment off campus. Of course, when a student enters a dormitory, he signs an agreement that he will stay there until the end of the school year. If he wishes to

21. Ibid.

break what is in effect a lease, he must appeal to a committee. Sometimes the student whose appeal has been rejected will come to me for help. In such instances, I will review all the steps of the appeal, including all the evidence the student has presented to support his request. If I find that the student has been treated fairly, that he has received all the consideration that is his due, then I have to tell him that he has no grounds for complaint. However, I have been able several times to call the committee's attention to evidence which they had overlooked or to which they had not attached sufficient weight and they have changed their decision to favour the student... In every instance, when I review decisions made by university officials or committees, it is with the purpose of determining whether the student has been treated fairly and justly." ²²

Questions of Specific Interest to C.A.U.T. and Faculty Associations

C.A.U.T. may not want to take a definite position advocating in general or opposing in principle the application of the ombudsman idea at the university level — if our reasoning in the first part of this paper is acceptable. Alternatively, C.A.U.T. may take the position that an ombudsman institution benefits students, and that we may, therefore, advocate such an institution in the same way in which we advocate (or plan to advocate) a students' bill of rights. In any case, C.A.U.T. must be ready to advise member associations on how their interests in the widest sense can be furthered if and when an ombudsman is proposed for their specific university. There are several questions or topics that we should pay attention to.

(1) It must be in the interest of the academic staff, if an ombudsman is to be established at a university, that the structure of the institution be conducive to maximizing goal achievement for the entire university community. With adjustments for the criticisms noted earlier, the University of Alberta ombudsman system might well be commended by C.A.U.T. as the best model. There are two alternative models, the "student ombudsman" and the executive ombudsman. While the "student ombudsman" may have some advantages, ²³ there are several drawbacks: lack of continuity, inadequate status, lack of formal powers such as access to documents and persons, and perhaps insufficient experience with academic machinery. Student ombudsmen may not enjoy the authority of a university ombudsman. Another model would be the executive

22. Reference in footnote 3. Dr. Rust's paper is also reprinted as Appendix X in S. V. Anderson, *Ombudsman Papers: American Experience and Proposals*, Institute of Governmental Studies, University of California, Berkeley, 1969.

23. Professor D. C. Rowat points out that "some students lay great stress on the greater 'approachability' of a student ombudsman by students". Student ombudsmen also "tend to deal with students' personal problems of any kind, including off-campus ones having to do with landlord-tenant relations" (letter, January 1972).

ombudsman, an individual appointed by the president alone, with terms of reference from the president, and serving at the president's pleasure. Obviously such an "ombudsman" does not have any of the important characteristics of independence that we consider essential, and as a result may not be accepted by students or staff as impartial.

(2) The university ombudsman's jurisdiction should be broad, excluding nothing for which the Board of Governors is responsible; he should not replace existing appeal machinery, but be available to examine the proper functioning of such machinery in specific cases; his procedures should stress informality and speed, while maintaining the confidentiality of information.

(3) Who should have access to the ombudsman — students alone or staff as well? At the University of Alberta both staff associations were strongly in favour of an ombudsman precisely because he would investigate staff members' complaints too. If there is a serious competition for the time of an ombudsman one might think staff are less in need of help. But we also have to consider the effectiveness of staff associations in investigating and redressing grievances of their members; their success rate may be low, to the serious disadvantage of staff members. As individuals staff members may be the victims of mistakes and abuse as much as students, and in practice may be as defenseless. We therefore tend to favour access to the ombudsman for all members of the university community, including staff.

(4) The ombudsman's independence of authorities should be most carefully ensured — both in the formal structure and in eliminating any potential informal pressure levers. The ombudsman's authority — his ability to gain respect for his recommendations and acceptance of his suggestions — depends on his being clearly independent of any of the groups on campus.

(5) The method of selecting an ombudsman is of considerable importance in the light of point (4). In particular, we would argue that it is in the staff association's interests to ensure that students are adequately involved, and in essence that the person selected is acceptable to students. An ombudsman who is rejected by the students' representatives is useless. Experience shows that ombudsmen in fact defend administrative decisions and professorial behaviour in many cases. Such a defense is of no assistance to the professor if the ombudsman has no credibility with students.

(6) The personality of the incumbent university ombudsman is very important. It is in the nature of the office, giving an incumbent wide discretion in methods, judgment and values, that some of its advantages lie. But equally the institution could be a complete failure if an unsuitable person were selected. There is some evidence

that the role pattern established for ombudsmen elsewhere and the actual experience in office socialize an incumbent to a general ombudsman role; nevertheless, it is important to find a personality capable of growing with the challenge. Thus, faculty associations should be alerted to the importance of the fact that the personality of the incumbent is at least as important as a good structure of the institution.

(7) There exists abundant speculation on the qualifications which a university ombudsman should possess. One man with perhaps the widest experience of U.S. campus ombudsmen made this recommendation: "The campus ombudsman should be a long-time faculty member at the institution, experienced in teaching and advising, and highly respected by students, colleagues, and administrators. Regardless of his academic discipline, he should have some rudimentary knowledge of the law and should become thoroughly acquainted with the civil ombudsman concept."²⁴ The same author had surveyed students who had consulted the ombudsman at Michigan State University. Their preference in relation to qualifications for a university ombudsman should be of interest as the only reliably assessed expression of student opinion based on actual experience with an ombudsman. Dr. Rowland summarized their opinions as follows: "According to the surveyed students, knowledge of campus operations and regulations is the most important requisite for a campus ombudsman, followed by understanding, effectiveness, authority, and accessibility, in descending order of importance. A non-teaching faculty member was their first choice for a campus ombudsman. Fewer than one-fifth of the respondents favoured a professional student personnel worker. None preferred a student."²⁵ It is difficult to prescribe all qualifications without becoming too rigid. But certain minimal general qualifications are apparent: preference should be given to an experienced (not necessarily "senior") faculty member who has some knowledge of administration, has experience in advising students, and who enjoys the respect of students, faculty, and administrators. Whether or not the university ombudsman should continue teaching while performing the duties of an ombudsman is a debatable matter. The University of Alberta ombudsman, according to the board resolution, was to devote his full time to the office, but Dr. Scott in fact teaches one course. At a conference of some 25 U.S. university ombudsmen in 1969 most of the ombudsmen expressed a preference for continued involvement in teaching so that they would not lose touch with the reality of teaching and learning. Our preference would be to assume that all his time was actually needed for his work as ombudsman,

24. Howard Ray Rowland, "The Campus Ombudsman: An Emerging Role", *Educational Record*, Washington, Fall 1969, pp. 446-447.

25. H. R. Rowland, "The Campus Ombudsman", *Today's Education*, (NEA Journal), October 1969.

and that there should be other ways for keeping in touch with campus realities.

(8) It is important that a university community be fully aware of the role pattern it wants for its ombudsman. One may try to prescribe a role in formal terms, or one may expect it to evolve with the growth of the institution. A great variety exists in U.S. campuses; the University of Denver, for example, appointed a "man-at-large" to function around the clock to help campus communications and understanding. Others see the ombudsman as a kind of ideological fire-brigade to assist in the resolution of large-scale conflicts or confrontations; some established an ombudsman after confrontations and campus riots, others in anticipation of riots to eliminate causes leading to riots. Serious doubts have been expressed on whether such a role is appropriate for a university ombudsman. Dr. Rowland concluded: "For an institution to appoint an ombudsman to solve its political problems is a mistake. Even when performing effectively, he cannot ward off major student political confrontations challenging the organizational structure or policy decisions of the institution. He relieves student pressures and frustrations, he improves administration, he corrects small injustices, but he does not quell mass student rebellions."²⁶

The most appropriate role for a university ombudsman is to assist individual students (and others) with academic, administrative or personal problems, to improve the academic and administrative process by discovering patterns of malfunctionings and suggesting reform. It should be in the interest of staff associations to make sure that this role is chosen, that it is clearly understood, and that conflicting role expectations are eliminated at the inception of such an institution.

(9) While the ombudsman may become an agent of reform, the staff association should be clear that he is only one of many sources of input into the reform process and that he cannot be expected to be the major source. The staff association should establish good contact with the ombudsman for two purposes: (i) to assist individual academic staff members in protecting their professional interests in specific investigations (if asked) and (ii) to benefit from the ombudsman's experience with the weaknesses of the academic and administrative process.

(10) Staff associations might consider publishing recommendations for staff members outlining their rights and duties, and how to conduct themselves if and when a complaint against them is investigated. (The substance of such guidelines could be based on statements on professional ethics, and some additional practical advice,

26. H. R. Rowland, "The Campus Ombudsman: An Emerging Role", *Educational Record*, Fall 1969, p. 447.

such as: cooperate fully, but do not abdicate your professional responsibility and good judgment, consult your staff association, etc.)

(11) Staff associations will have to decide how they will relate the ombudsman to their own grievance procedures, i.e. how complaints of university teachers about administrative decisions are to be handled. Specifically, staff associations would have to decide on whether they want their members to use the ombudsman first before the staff association will look into their complaint or whether associations want to leave it completely to individual faculty members to approach the ombudsman or the faculty association (or both). Two points, however, appear important to us: (a) associations should make a conscious decision on this matter after careful deliberation; (b) faculty associations should be careful to maintain their own independence, including independence from the ombudsman. Associations must be able to argue (in public, if necessary) a point of view that differs from that of the ombudsman, if important professional interests of their members are in jeopardy. This means that faculty associations should not decide to refuse the investigation of a complaint after it has been turned down by the ombudsman. Such clashes may be extremely rare, but when they occur they may involve an important matter of principle.

(12) Faculty associations may have to watch carefully that the responsibility for making decisions remains clearly with administrators and that they do not ask or expect the ombudsman to make decisions (especially unpleasant decisions) for them. Or alternatively when the ombudsman makes recommendations to administrators the decisions resulting from the recommendations always are the administrators' decisions, and they carry the responsibility for them. Naturally, the ombudsman himself would be well advised to watch for this misplaced deference to his office, which might easily become an evasion of administrative responsibility.

(13) C.A.U.T. and the Academic Freedom and Tenure Committee in particular will have to contemplate what weight to assign to an ombudsman decision if a faculty member brings a complaint to C.A.U.T. which had been considered (and rejected) by a university ombudsman. Naturally, C.A.U.T. cannot abdicate its responsibility to look into complaints, but a university administration's case will look almost unchallengeable in the eyes of the public if endorsed by an ombudsman. On the other hand, we may not be able to assume that the protection of academic freedom is always the paramount value for individual university ombudsmen in each case they investigate. This means that while C.A.U.T. may recognize the usefulness of the ombudsman, it must retain its independence and its viability as a professional organization with the protection of academic freedom as an important interest.

CANADIAN UNIVERSITIES: Problems and Solutions

Dr. Eugene Benson is a professor of English at the University of Guelph. This article was written before the Wright Commission reported. It was given as a speech at Bishop's University, Lennoxville, Quebec, in November, 1971.

The most immediate and significant problem facing Canadian universities in the present decade is to recapture the university from the civil servant and the educational technocrat and return it to the teacher and the students. The problem is to once again accept the university as a community of teachers and students whose aim is to guarantee the continuity of inquiry, teaching and learning. To do this we must rehabilitate the university and make it autonomous in all matters pertaining to the implementation of that aim.

Fine sentiments, it will be objected, but how can we pursue such an enlightened goal when we know that governments provide more than 80% of our budgets and that yearly we are called upon for an ever-increasing degree of accountability. Is it possible to reconcile Academic autonomy and public accountability ?

It is not unfair, I think, to remark that the demand for accountability arose from the fact that government and the tax-payer in general have come to distrust us: that they feel there is too little meaningful research being carried on in Academe; that we are not responsive to provincial and national needs; that there are far too many students receiving a very expensive education because they don't know what else to do; that university costs have somehow gotten out of hand; that staff and students are working too few hours in the week and too few weeks in the year; and that we are erecting physical plants which are too little used and too ostentatious.

If I have purposely phrased these misgivings in vague terms it is because the charges against us are rarely defined or precise. And because they are usually articulated so vaguely we in the universities reassure ourselves that what is really needed are better public relations officers, more tours of the campus, more "relevant" extension courses to show the town that we do in fact care about it. What we do not face honestly is the fact that there are substantial grounds for apprehension on the part of government and the public that could be articulated forcefully and compellingly. There is reason to question educational expenditures in Canada of more than two billion dollars a year on post-secondary education (higher proportionately than in the United States). Entrance to university is too often determined by factors other than educational merit.

Post-secondary enrolment skyrocketed by 250% in the last decade and while we can offer fifty reasons why the university year should not be lengthened, the public is dimly aware that we accept handsomely paid consulting jobs throughout the year and "moonlight" at neighbouring summer schools. We dismiss as atypical (as it may be) Education Minister Guy Saint-Pierre's charge that "In the field of ancient culture, especially Greek and Latin, last year in Quebec we had seven departments for a total of forty-three professors and thirty-seven students".¹ We cannot hope to be autonomous again until we convince government and the public that our books are open to scrutiny and our professional ethics above reproach.

But do not misunderstand me. I am not arguing that if we improve our student-teacher ratio, justify more accurately our space allocations and demonstrate that we are doing an honest day's work, we will reassure the taxpayer and so win back the university for teachers and students. That is merely to try to modify an educational philosophy and methodology that is essentially and irremediably wrong — and it is this which the public senses. We can only reassure the public and, in the process, regain university autonomy by launching an educational reformation of the entire university system.

1. From a speech delivered to the 1971 annual dinner meeting of the McGill Society of Toronto, as reported in *McGill News*, Vol. 52, No. 4, July 1971, p. 4.

In a recent exercise in university planning in Ontario, the universities and government have been examining the implications of a preliminary document entitled "A Comparative Analysis of University Calendar Systems". That beguiling title disguises the fact that it was written at the behest of government and is, in fact, the first salvo in a battle whose outcome will determine whether the present academic year will be lengthened to nine or 10 months in order to allow students to complete an honours programme in three years rather than four, and the general programme in two. The catch cry of the times is "more scholar for the dollar", and a more bankrupt slogan I cannot imagine.

Pressure to alter the present academic year

I will not attempt here to debate the advantages or disadvantages of the lengthened academic year or some form of the quarter or trimester system. But I want to show why pressure is building to alter the present pattern of the academic year. Is it that a longer academic year or some version of the quarter or trimester system might perhaps be better in terms of educational policy? No. Change is being dictated almost entirely on fiscal grounds, because of the enormous costs of higher education in Canada (more than \$8.3 billion dollars by 1980 according to one authority).² If it is true that war is too important to be left to the generals, it is equally true that higher education is too important to be determined by treasury officials.

Not that treasury departments, like generals, cannot make an impressive case to back up their demands. Let us look at the matter from the point of view of the Ontario treasury department. In 1960-61 we had less than 29,000 students in the university system. Ten years later it was 111,000 students. By 1980 we will have about 280,000 full-time students and some 115,000 part-time students, a total of 400,000.³ In the five-year period from 1970-71 to 1975-76 university operating grants will mushroom from approximately \$346 millions to \$600 millions.⁴ Obviously higher education is an expensive business in Ontario.

However, such extraordinary increases in university financing are true of Canada as a whole and have prompted Arthur J. R. Smith, chairman of the Economic Council of Canada, to write that "Government expenditures on university education for operating purposes

2. Dr. Miles Wisenthal, director of the Dominion Bureau of Statistics' Education Division, as quoted in the lead editorial, *The Globe and Mail*, Tuesday, October 27, 1970.

3. Watson, C., and Quazi, S., *Ontario University and College Enrolment Projections to 1981-82 (1968 Projection)* (Toronto: OISE, 1969); Zsigmond, W. E., and Wenaas, C. J., *Enrolment in Educational Institutions by Province, 1951-52 to 1980-81*, Economic Council of Canada: Staff Study No. 25 (Ottawa: Queen's Printer, 1970).

4. *Brief to the Committee on University Affairs* (Dec. 1970), from Committee of Presidents of Universities of Ontario, p. 37.

increased during the 1960's at about 22 per cent per year, about three times as fast as the gross national product".⁵ It should also be known that current level of government expenditures on higher education in Canada exceeds \$2 billion dollars a year. In the light of Canada's present straightened economic circumstances we can understand why governments are seriously trying to get "more scholar for the dollar". Perhaps the most bizarre example of the lengths we may be forced to go is the entirely serious suggestion of Professor Arthur Porter, in his *Towards a University Community*, that we can save the student a year not only by adopting the trimester system but also by means of an "extended university day" which would run from 8.30 a.m. to 10.30 p.m.⁶ I do not know why governments have not approached me on the question of reducing university financing, for I have an even more sophisticated model than Professor Porter's, one guaranteed by my own university's systems analysts, which advocates an "extended university day" running from 6 a.m. to midnight.

But let us not be unduly dispirited by the educational lunacy that has been, and is being, propounded at every hand. It may be that governments' anxiety with university financing can provide us our opportunity to reform the system; that anxiety may be the Trojan horse by which we infiltrate it and found another educational system based on new (yet old) educational values. In the decision whether to seize that opportunity lies one of the most immediate challenges of the present decade. For if we offer a solution, based on sound educational principles, that will substantially reduce university financing, you can be sure it will be accepted. It may be possible, after all, to reconcile academic autonomy and public accountability. Earlier I noted that we expect to have in Ontario approximately 280,000 full-time students in the university system by 1980. I would contrast that with the university system in the United Kingdom, a system also vastly expanded in the '60's, which is expected to enrol by 1982 an estimated 450,000 full-time students.⁷ If we compare the two jurisdictions in terms of population, and if the United Kingdom were to accept our philosophy of higher education, the university system there would have to enrol not 450,000 students by 1982 but more than three millions.

Why then do we have so many students at university in Ontario (and in Canada)? Because, and I quote, "The stated policy of the Ontario Government, supported by the universities, has been to

5. Quoted in Porter, J., Blishen, B., et al., *Towards 2000: The Future of Post-Secondary Education in Ontario*, McClelland and Stewart: Toronto, 1971, p. 139.

6. Arthur Porter, *Towards a Community University*, University of Western Ontario, 1971, pp. 30-31.

7. Barbara Burn, et al., *Higher Education in Nine Countries: A Comparative Study of Colleges and Universities Abroad*, McGraw-Hill Books, 1971, p. 61.

provide a place for every qualified student.”⁸ Not so in the United Kingdom: “It is the policy of neither government nor the universities for the latter to accommodate all qualified ‘school leavers’.”⁹ The British attitude is followed by nearly all European countries, which believe that the use of the *numerus clausus* is a valuable tool in protecting standards and preventing the training of graduates at great cost without regard to the job market. I have argued elsewhere that the phrase “every qualified student” is a spurious slogan that has led to a subjectivity of interpretation, with a consequent lowering of standards that is absolutely irresponsible.¹⁰ We have abolished any common Grade XIII examination, we have no university entrance examination, we are teaching in our departments of languages — and I speak literally — the alphabet, and more recently we are teaching our university students the A.B.C’s of physics and chemistry, those A.B.C’s which I myself taught to fifteen-year old children in a Saskatchewan continuation school.

Why have we lowered our standards? Because every student, under formula financing, has a price on his head. If universities do not receive the projected number of students they risk going bankrupt or they resort to such devices as cutting the library budget (we do not have one library of international repute in Canada), freezing staff appointments or letting staff go. It is paradoxical — and indicative of the Alice-in-Wonderland character of university financing — that at a time when we have never been spending more money, four universities in Ontario are in debt to the tune of some millions of dollars in 1971. Relating enrolment to financing is as lunatic as relating happiness to the mammary glands.

False Expectations

What is quite as reprehensible is that our juggling with admission requirements and enrolments has aroused false expectations in the student bodies of our universities. For the last decade student councillors and the media (at the urging of governments) have bombarded the highschool student with the theme that he must not be a drop-out, that a university education meant economic gain and a secure job. We are now beginning to reap the harvest of that propaganda drive. It is unconscionable that we should mass produce university graduates for whom there are no jobs and it is unconscionable that although one in three persons in Canada is either a student, a teacher or a service worker in some kind of educational institution (I exclude part-time teachers and students) we should seek to

8. Quoted in *Variations on a Theme: Fourth Annual Review, 1969-70*, p. 1. This document is the annual report of the Committee of Presidents of Universities of Ontario, now known as The Council of Ontario Universities.

9. *Higher Education in Nine Countries*, p. 59.

10. Eugene Benson, “The House that Davis Built (or University Education in the Sixties)”, *C.A.U.T. Bulletin*, Vol. 19, No. 3, Spring 1971, pp. 3-12.

increase that proportion. Canada is as rich as the goods it produces and is impoverished when service industries which do not produce wealth increase incontinently.

Against this background I would advance a further proposition — one likely to be unpalatable to many students and some professors — namely, that there are far too many students at present in our universities who are, in fact, ineducatable in any true sense of what a university education should mean. Dr. Conant remarks somewhere that only 15% of American students should be in university (we spend more money on education proportionately than the U.S. does) and I am reminded of Paul Goodman's striking observation that Governor Wallace of Alabama received his highest number of votes in the northern states from those who had enjoyed the longest and "best" education. You and I are teaching *The Wasteland* to students who can't write a grammatical sentence in English, we are teaching Plato and Aquinas and Pascal and Heidegger to students who don't understand a single word of a foreign language (I know of M.A. theses on foreign authors by monolingual students supervised by monolingual supervisors), we are teaching economics to those who have never learned to read a graph, and we are teaching creative writing to students who are full of good will and empty of creative talent which is, after all, as rare as educational sanity. The catalogue is endless and dispiriting. Were we to revise Dr. Conant's figures and accept that only 50% of our students, not 15%, are qualified to be in university, the financial savings in terms of next year's expenditures on Canadian universities would be over a billion dollars. That billion dollars could be fruitfully used on old-age pensions, health and welfare, Indian affairs and so forth. It could also be used to provide alternative patterns of education that would be suited to the talents of young people who through no fault of their own are cajoled into a rigidly-structured university education that will stifle and stunt the growth of talents that might flourish in another learning situation.

At this point I must meet the argument of those who reject curtailment of enrolment, the *numerus clausus*, on the grounds that it is anti-democratic and elitist. Writes A. J. R. Smith: "University education, largely publicly financed, is already thought to discriminate in favour of the upper and middle income groups, and restricting enrolment would provoke further charges of 'elitism'." ¹¹ Smith's reasoning is fallacious: what is to prevent a limitation on numbers while at the same time working to get more students from poorer families into university. The two questions are not mutually exclusive. Indeed the magnitude of the sums we are mispending on higher education precludes the provision of "free" education — and

11. Quoted in *Towards 2000*, p. 141.

grants for living expenses and books — precisely to those who cannot afford a university education.

Elitist approach

It should further be noted that governments have not hesitated to adopt an “elitist” approach when it was politically expedient. In Ontario graduate schools there is no “open door” policy such as applies at the grotesquely swollen undergraduate level. To enter graduate school now, a student has to have straight “A’s” and, because graduate funding has been cut, non-Canadian students have been as effectively barred from our schools as though we had invoked the most rigid of immigration laws; the university now is, in most provinces, parochialized. Unless we change things in this decade we shall have broken that free interchange of international learning and scholarship which has ever characterised a creative university system. The mediaeval university, that *patria* of the intellect, rang with the accents of every European nation; the accents in our classrooms are determined by the boundaries of the province.

Limitation of enrolment and the consequent upgrading of standards could also offer an opportunity to reform our present methods of teaching and learning. Certainly if we are forced into some form of the trimester system, reform in this area will be even more necessary. The smaller the units of the academic year become, the larger becomes the number of tests and examinations administered. In my university, which is on the trimester system, it is quite possible for a student to be tested as many as 120 times in the course of taking a three-year honours programme. What an extraordinary perversion of an institution which still professes that one of its aims is, to some degree, the disinterested pursuit of truth. How can there be emulation — not to speak of respect — on the student’s part when he is cast in the role of the one graded and the teacher in the role of grader. With monthly tests how can the student attempt to link his work with other areas or find relationships and syntheses ?

Of course it is true that because of the unwarranted numbers of students in our universities we have had to abandon the lecture method and concentrate on conveying information and improving our instructional techniques. But in a situation where proper admission standards had screened students entering university, we could again revert to our true role as *lecturers*, conveying principles not facts, insights not digests. This in turn would place more responsibility on the good student where responsibility has some chance of kindling enthusiasm and a creative response. Paul Goodman, Ivan Illich and others, despairing of our institutionalized university, opt for secession, for the founding of dissenting or “free”

universities like Black Mountain College in the U.S. or Rochdale in Toronto. I have no time for such an approach; we will reform the present system from within or not at all. I also admit to the fact that society demands we certify our students and I accept that demand. But let us, after we have established a university entrance examination, abolish the multiplicity of tests we now have and replace them with an examination at the end of the first year's work which will guide a student into an honours or general programme, or fail him out. A student should then be allowed to proceed at his own pace and present himself, when he feels he is ready, for a final comprehensive examination covering his area of study. This examination would not be graded except in terms of certification or non-certification. Additionally, students should be free to move from one university to the other throughout the province and throughout Canada. Students exceeding a certain number of years would not be financed from public funds.

It is my feeling that measures like these could rehabilitate a university education as a search for intellectual development, replace the present adversary relationship between the grader and the graded with the fiduciary relationship of teacher and student, counter the appalling fragmentation of our programmes, and allow the teacher a respite from a tedious and often futile burden of marking and thus free him to do some reading and research. Finally, measures such as I suggest would reduce our administrative tasks. In short, we would have gone some way to returning the university to the teachers and the students. I am not sure that these proposals would not encounter more opposition from students than from faculty. Exams, tests and interviews are, for many students, an umbilical cord which they would not see cut.

Earlier I recorded my opinion that too many students in university are ineducatable in terms of what a university education is meant to achieve. I mean that while not all young people have the *habitus* of mind which equips them for academic discipline and some degree of research this should not be taken as a reproach or a condemnation. There are many mansions, or should be, in our educational patrimony. Who of us has not known the dull plodder in history or sociology who is beautifully gifted at lighting a theatre set or playing an instrument or building a dock? Were we to hold the line on increasing enrolment and divert the millions of dollars thus saved into other educational areas we could tap these splendid potentialities and enrich the country. A few thousand dollars seed money is enough to get a group of people interested in drama going about the business of founding another potential Abbey Theatre; very little money is needed to encourage young craftsmen in the creation of toys and handicrafts. A vast chain of day care

centres could be developed, as it should be, where thousands of young people could get jobs that satisfy their idealism and harness their energies.

Toronto is the financial capital of Canada and yet it can afford only a six-week opera season in a rented hall. Why not give some of the millions we are misusing to encourage more music-making in every field from pop music to ballet? The list is endless. Why not encourage young people who have a bent for chemistry and physics to become medical orderlies or midwives (the infant mortality rate in those countries where midwives are extensively used is lower than in Canada) and thus relieve the heavy demands of training medical doctors who too often are concerned with trifling health problems at an exorbitant cost in money and time. Let us encourage young people with a flair for business who need very little money to get started; let us establish such a thing as a watch industry where we might actually handle our own raw materials rather than shipping them to the U.S. or Japan to provide hundreds of skilled and lucrative jobs. A diversion of one billion dollars from our present institutionalized universities to revamped community colleges and a hundred and one areas that have yet to be explored could effect a golden age in Canada such as we can only guess at.

Bilingualism and biculturalism

In the formation of our university system we have followed too slavishly the American pattern. We do so, not because the Americans have enslaved us, but because we have not yet liberated ourselves. And we shall not liberate ourselves until we understand ourselves. At the heart of our lack of understanding lies the French-Canadian fact. Once upon a time we were not even aware of that fact and then we had only two solitudes; now that we are aware of it we have two hostilities. The universities of Canada — and here must be our most scathing indictment of them as well as our most direct challenge to them in the seventies — have neglected shamefully any significant role in interpreting our two nations to each other. How can we take seriously the recommendations of the BB Commission when the universities of Canada, the most important tool to hand, lie unused? What is there, except apathy or disdain, to prevent us insisting that all university graduates learn French and something of French Canadian culture? There should be a public outcry that Glendon College and the University of Ottawa may lose those grants which are necessary to enable them to mount bilingual programmes. It is harder to know in such cases whether to blame the provincial government more for its parsimony or the federal government for its indifference.

To those constitutionalists who argue that education is a provincial matter I reply that because bilingualism and biculturalism are federal concerns of supreme importance there may be need to dust off Section 92 (10) (c) of the BNA Act and designate such colleges as Glendon or the University of Ottawa "national universities" whose purpose is to promote the "general advantage of Canada". It was T. S. Eliot who remarked of the great Irish poet W. B. Yeats that in becoming more national, he became more universal. That way lies Canada's destiny and our duty. Let us begin, in the 1970's, forging within the smithies of our universities the uncreated conscience of this dual race; the 1980's will be too late.

COMMENT ON C.A.U.T.-A.C.P.U. FINANCES

The following letters in English and French were sent earlier this year to presidents of member faculty associations and provincial associations as well as to the members of the relevant C.A.U.T.-A.C.P.U. committees.

Dear Colleagues:

At the time of the November 1971 Council meeting we discovered that the books of account for 1970-71 were not ready for the customary audit. The investigation which followed revealed a number of irregularities in the books; by December 1971 it became evident that there was a serious possibility of fraud or embezzlement. The C.A.U.T. on advice of our bonding company retained a solicitor and continued an extended investigation which in late December led the President and the Finance Committee (a sub-committee of the Executive Committee) to turn the results of our investigation over to the police. They in turn laid criminal charges against a non-professional employee of the central office.

That case is presently *sub judice*, and it is not now possible to go into detail on the charges or the history of shortages. The C.A.U.T. auditor has confirmed to us a shortage of funds of over \$40,000. An intricate and sophisticated set of practices appears to have begun in October 1968 and continued through November 1971, and these managed to escape detection through two completed audits (1968-69 and 1969-70).

The individual employee was bonded for \$10,000, and we have filed a claim against the insurance company for that amount. The possibilities of other recoverable funds and assets are still under investigation.

The Finance Committee, the Executive Secretary, and the auditor have been reviewing and revising the Association's business forms and procedures. It is expected that a fuller report on these matters will be made later this year, when they are no longer before the courts.

Because the bulk of the irregularities appear to have taken place prior to the 1971-72 fiscal year, the primary effect of these activities has been to deprive the Association of a substantial portion of its reserve funds, rather than of current revenues. While we shall seek every possible economy for our operations during the year, the membership should be assured that the responsibilities and commitments of C.A.U.T. will be carried forward.

Signed:

Robert BERTRAND,
President

Leo KRISTJANSON,
Treasurer

Alwyn BERLAND,
Executive Secretary

Chers collègues,

Lorsque vint le temps de la réunion du Conseil en novembre 1971, nous avons découvert que les livres de comptes de 1970-71 n'étaient pas prêts pour la vérification habituelle. Une enquête subséquente y a décelé plusieurs irrégularités et, en décembre 1971, il devint évident qu'il y avait de sérieuses possibilités de fraude ou de détournement de fonds. Sur le conseil de notre compagnie de garantie, nous avons retenu les services d'un avocat et poursuivi une minutieuse enquête qui a amené le président et le Comité des finances (sous-comité du Bureau de direction), vers la fin de décembre, à déposer une plainte auprès de la police, qui a par la suite déposé une accusation d'agissements criminels contre un employé non professionnel du Secrétariat.

L'affaire est actuellement en cours d'instance et nous ne pouvons en ce moment donner de détails ni sur les accusations portées ni sur les faits entourant la disparition de fonds. Notre vérificateur de comptes nous a confirmé qu'il manquait plus de \$40,000 à la caisse. Il semble que ces agissements troubles et fort complexes auraient commencé en octobre 1968 pour se poursuivre jusqu'en novembre 1971 sans que les deux vérifications complètes de 1968-69 et 1969-70 aient pu en trouver trace.

L'employé en question était couvert pour une garantie de \$10,000 et nous avons réclamé cette somme de la compagnie d'assurance. Nous cherchons toujours à découvrir s'il sera possible de récupérer d'autres fonds et actifs.

Le Comité des finances, le secrétaire général et le vérificateur ont scruté à fond les écritures de l'Association. Un rapport plus complet devrait en ressortir plus tard cette année, lorsque l'affaire ne sera plus devant les tribunaux.

Comme le gros des irrégularités semble s'être passé avant l'année financière 1971-1972, ces actes ont eu pour effet premier de priver l'Association d'une tranche substantielle de ses fonds de réserve plutôt que de ses revenus courants. Quoique nous devions tâcher d'économiser le plus possible sur le budget de l'année en cours, les membres peuvent avoir l'assurance que l'A.C.P.U. s'acquittera de ses engagements et de ses responsabilités.

Robert BERTRAND,
président

Leo KRISTJANSON,
trésorier

Alwyn BERLAND,
secrétaire général

AUDITOR'S REPORT

ALBERT RIVERS, B.A., M.S., R.I.A.

Chartered Accountant

Suite 704A,
77 Metcalfe Street,
Ottawa, Ontario
K1P 5L6

February 8, 1972.

To the Executive and Members of
Canadian Association of University Teachers,
L'Association Canadienne des Professeurs d'Université.

I have prepared the Balance Sheet of Canadian Association of University Teachers as June 30, 1971, and the Statement of Income for the year then ended. My examination included a general review of the accounting procedures and such tests of accounting records and other supporting evidence as I considered necessary in the circumstances.

In my opinion these financial statements present fairly the financial position of the Association as at June 30, 1971, and the results of its operations for the year then ended, in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding year.

Yours very truly,

Albert Rivers,
Chartered Accountant.

CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS L'ASSOCIATION CANADIENNE DES PROFESSEURS D'UNIVERSITÉ

BALANCE SHEET

June 30, 1971

With comparative figures at June 30, 1970

	Assets	
	1970	1971
Current Assets		
Cash	\$15,449	\$ —
Fees receivable	42,088	45,753
Other receivables	1,691	7,508
Temporary investments	45,000	30,000
Prepaid expense	2,465	3,800
Investments — bonds at cost	38,044	38,044

Furniture and equipment

Cost	19,963		28,498	
Accumulated depreciation	11,640		14,496	
	8,323		14,002	
Leasehold-cost less written off	1,077	9,400	3,986	17,988
		<u>\$154,137</u>		<u>\$143,173</u>

Liabilities and Surplus**Current Liabilities**

Bank overdraft	\$ —		\$11,600	
Accounts payable	11,152	\$ 11,152	31,623	\$ 43,223

Allowance for Terminal Leave		40,000		22,000
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Reserve for Academic Freedom

Defense Fund		15,000		16,500
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Surplus

At start of year	44,933		87,985	
Net income (loss) for the year	43,052		(26,535)	
At end of year		87,985		61,450
		<u>\$154,137</u>		<u>\$143,173</u>

CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS
L'ASSOCIATION CANADIENNE DES PROFESSEURS D'UNIVERSITÉ

NOTES TO FINANCIAL STATEMENTS

At June 30, 1971

1. The Association received federal letters patent on the 24th of November 1970.
2. According to information available at present, the defalcation occurred as follows :

— in the year ended August 31, 1969	\$ 5,837
— in the ten months ended June 30, 1970	17,609
— in the year ended June 30, 1971	13,568
Total as reported at June 30, 1971	<u>\$37,014</u>

For the six months ended December 31, 1971, the indication at present is that there was further defalcation of approximately \$5,000.

CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS
L'ASSOCIATION CANADIENNE DES PROFESSEURS D'UNIVERSITÉ

EXPENSE GROUPING SHEET

For the year ended June 30, 1971

With comparative figures for the ten months ended June 30, 1970

	1970	1971
Salaries		
Salaries	\$83,186	\$111,490
Outside labour	179	4,901
	<u>\$83,365</u>	<u>\$116,391</u>
Staff pension and insurance		
Staff pension plan	\$ 8,207	\$ 10,484
Group insurance	4,914	4,716
Canada pension plan	876	1,043
	<u>\$13,997</u>	<u>\$ 16,243</u>
Bulletin		
Bulletin	\$13,675	\$ 34,764
Newsletter	2,790	3,753
	<u>16,465</u>	<u>38,517</u>
Less income	—	7,142
	<u>\$16,465</u>	<u>\$ 31,375</u>
Travel — Central Office staff		
Academic freedom and tenure	\$ 5,510	\$ 3,035
Executive	3,860	413
Council	3,932	1,129
Miscellaneous	5,990	4,852
	<u>\$19,292</u>	<u>\$ 9,429</u>
Travel — Committee		
Academic freedom and tenure	\$ 6,974	\$ 11,984
Executive	—	8,972
Miscellaneous	—	8,334
	<u>\$ 6,974</u>	<u>\$ 29,290</u>
Tenancy		
Rent	\$ 9,649	\$ 13,251
Building maintenance	—	1,011
	<u>\$ 9,649</u>	<u>\$ 14,262</u>
Telephone		
Service	\$ 9,096	\$ 2,034
Academic freedom and tenure	—	6,693
Miscellaneous	—	7,225
	<u>\$ 9,096</u>	<u>\$ 15,952</u>

Supplies

Postage	\$ 1,828	\$ 2,316
Office supplies	7,061	7,567
	<u>\$ 8,889</u>	<u>\$ 9,883</u>

Depreciation

Equipment	\$ 1,663	\$ 3,501
Leasehold	47	212
	<u>\$ 1,710</u>	<u>\$ 3,713</u>

Conference, fees and sundry

Travel subsidy	\$ 4,291	\$ 4,745
Council meeting facilities	4,944	10,079
Newspaper advertisements	—	2,117
Conference expenses	4,541	4,508
Miscellaneous	1,819	1,449
Translation	—	2,321
Newspaper subscriptions	—	478
Library expense	420	1,598
J. H. Stewart Reid Memorial Fund	943	1,191
Professional fees	914	1,171
Brochures and miscellaneous	1,671	4,029
Insurance	594	625
Dues and fees	206	515
Bank charges	204	197
	<u>\$20,547</u>	<u>\$ 35,023</u>

CENSURE

The following university administrations have been censured by the Council of the C.A.U.T. :

Mount Allison University, November, 1970

Université du Québec à Montréal, November, 1970

University of Victoria, May, 1971

Simon Fraser University, May, 1971

In November, 1971, the Council of C.A.U.T. voted to impose the third stage of censure on Simon Fraser University and Mount Allison University. This third and last stage of censure is a warning not to accept employment at these two institutions.

EDWARD McCOURT FELLOWSHIPS

Edward A. McCourt, Professor of English, University of Saskatchewan, Saskatoon, died on January 6. In his memory one or more graduate fellowships in the Department of English will be augmented by the income from a McCourt Memorial Fund and named Edward McCourt Fellowships. Contributions to the Fund may be sent to the Development Office, University of Saskatchewan, Saskatoon.

Edward McCourt was a Rhodes Scholar from the University of Alberta. He taught at Upper Canada College, Queen's University, and the University of New Brunswick before coming to the University of Saskatchewan in 1944. He was the author of numerous articles and thirteen books.

RESPONSE TO: THE HOUSE THAT DAVIS BUILT

(or university education in the sixties)

An article by Dr. Eugene Benson in the spring, 1971, edition of the C.A.U.T. Bulletin. The following are excerpts from letters to him following publication of the article. Dr. Benson is a professor of English at the University of Guelph.

His article questioned the philosophy of education that has prevailed during the expansion of higher education in Ontario.

Prof. R. B. Land, director, School of Library Science, University of Toronto, writes :
"Your article raises several important points for the academic community to ponder and I think you have done a service in focussing attention on recent developments in higher education in Ontario."

Prof. Ramsay Cook, history department, York University :

"I fully agree with it (the article); the problems created by the dilution of entrance standards are very evident at a university like York I have been especially concerned about the freeze on graduate programmes. The consequences will surely be exactly as you describe them, at which time we'll have yet another round of discussions about quotas on 'foreign professors'."

Prof. Peter Brigg, English department, Wellington College, University of Guelph :

"I have just finished reading your article in the C.A.U.T. Bulletin, which I think admirably expressed the mess which we have got ourselves into. My congratulations on the clarity of the case and the sharpness of the pointing finger. I just hope that we can get ourselves out in the next decade."

Prof. J. B. Phipps, department of plant sciences, University of Western Ontario :

"Congratulations on your article I hope it bears the kind of fruit you seek."

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M.S. ALEXANDR PUSHKIN — DEPARTS June 30. 7 days.
Rates \$195. — \$455. Quebec, St. Pierre/Miquelon,
Saguenay River, Montreal.

M.S. ALEXANDR PUSHKIN — DEPARTS July 8. 6 days.
Rates \$175 — \$395. Quebec, St. Pierre/Miquelon,
Saguenay River, Montreal.

M.S. ALEXANDR PUSHKIN — BERMUDA 13 DAY CRUISES.
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RESPONSE TO: FONDS D'AUTOFINANCEMENT DES FRAIS DE SCOLARITÉ

Prof. G. C. A. Cook and D. A. A. Stager, Department of Political Economy and the Institute for Quantitative Analysis of Social and Economic Policy, University of Toronto, write:

In a recent issue of this Bulletin, A. Farine advocated "un fonds d'autofinancement des frais de scolarité" as a method of offsetting the rising public costs of higher education.¹ Farine has adopted an American proposal which has received wider public attention during the past five years under the title of Educational Opportunity Bank. An operational version of such a scheme will be introduced for the first time in the fall of 1971 in the form of Yale University's Tuition Postponement Plan.² Little attention, however, has been paid to the feasibility of implementing such schemes on a national basis and with tuition fees set at or near the full operating cost per student. The results of a simulation of a contingent repayment financial assistance scheme suggest that implementation of such a scheme at higher fee

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1. Avigdor Farine, "Fonds d'Autofinancement des Frais de Scolarité," *C.A.U.T. Bulletin*, Vol. 19, No. 3 (Spring 1971), pp. 13-18.
 2. Under the Yale plan individuals will pay 0.4% of annual adjusted gross income for each \$1,000 of postponed tuition for not more than 35 years.

levels may involve contractual conditions that are not politically or financially feasible at the present time.³ Yet there are a number of advantages accruing to the implementation of such schemes at current tuition levels.

In order to examine the financial implications of contingent repayment schemes and to test the sensitivity of alternative conditions in the operation of the scheme, we simulated the operation of such a program using Canadian data. This program assumed the existence of a federal government agency which would make advances to any eligible post-secondary student equal to the total cost of his tuition fees, books, transportation and living costs for the academic year. A recipient student would make payment to the agency, via the Department of National Revenue, commencing with graduation or withdrawal. The payment conditions would include the percentage of annual income to be paid to the fund, the maximum number of years for which payments would be required, and the interest rate on the advance. When the individual had paid an amount equal to his total educational advances, plus interest, he would be notified that his obligation had been fulfilled — or alternatively that the obligation period had expired — and that no further payments were required. The agency could finance the program with any combination of bond issues, general tax revenues, or repayments to the fund. The regulations of the program could be arranged such that the fund would be self-financing or be supported by varying degrees of public subsidy. This last issue raises the question of the feasibility of contingent repayment schemes at higher levels of tuition fees.

The operation of the scheme was simulated for a fifteen-year period, from 1966 to 1981, based on actual and projected enrolments for each of four types of educational institutions: universities, community colleges, teachers colleges and nursing schools. The percentage of annual income required as a repayment was varied from 2.5 to 10.0, the maximum period for repayment ranged from 15 to 40 years, the interest rate on advances was varied from 8 to 12 per cent, and the imputed earnings for non-participants in the labour force ranged from \$0 to \$5,000.

The effects of these alternative values were tested in terms of the rate of return to the agency's fund for each successive freshman group. The fund was considered to be self-financing in the long-run when this rate of return was equal to the government's borrowing rate prevailing for each successive group. The effects of the program

3. A detailed description of the program results appears in Gail C. A. Cook and David A. A. Stager, "Contingent Repayment Student Assistance Programs: A Simulated Analysis," Working Paper No. 7014, Toronto: Institute for the Quantitative Analysis of Social and Economic Policy University of Toronto, 1970. A wider evaluation of student aid is presented in our *Student Financial Assistance Programs*, Report No. 1, Toronto: Institute for the Quantitative Analysis of Social and Economic Policy, University of Toronto, 1969.

were tested under three tuition fee alternatives: zero or "free tuition", current (1969-70) tuition fees, and "full-cost" tuition fees.

Since total borrowings would be so low under zero tuition fees, there are several possible combinations of program parameters which would enable the fund to be self-financing at a 7.5 per cent rate of return. But when tuition fees are raised to the full-cost level, only one extreme set of conditions would produce a break-even (or 7.5 per cent) rate of return. These were an annual tax rate of 10 per cent on gross incomes, 12 per cent interest rate, a 30-year repayment period, and non-participants in the labour force would be required to pay on the basis of an imputed \$2,000 annual income. At current tuition fee levels, however, a number of more reasonable combinations would be possible. With a 30-year repayment period, the interest rate could be dropped to 10 per cent and the tax rate to almost 5 per cent.

Increasing tuition fees to full-cost levels requires either high levels of public subsidy of the contingent repayment fund or contractual conditions which may not be politically feasible. The stringency of these conditions should be clearly recognized if the contingent scheme is to be regarded as a means of reducing the public subsidy to post-secondary education. At current tuition fees, however, the conditions for the fund to break-even are more feasible. Moreover, the risk-mutualization aspect of the scheme may provide a useful institutional approach to improving the loan market as it applies to education.

The American Association of University Professors

List of Censured University Administrations

As published in the December, 1971, issue of the A.A.U.P. Bulletin

Alabama State University	1962
South Dakota State University	1962
(Censure was voted specifically on the Board of Regents of Education of the State of South Dakota, and not on the institution's administrative officers.)	
Alcorn Agricultural and Mechanical College	1963
Grove City College	1963
College of the Ozarks	1964
(Censure was voted specifically on the Board of Trustees, and not on the institution's administrative officers.)	
Wayne State College (Nebraska)	1965
(Censure was voted specifically on the Board of Education of State Normal Schools of the State of Nebraska, and not on the institution's administrative officers.)	
St. John's University (N.Y.)	1966
Amarillo College	1968
Texas A & M University	1968
Cheyney State College	1968
Southern University and Agricultural and Mechanical College	1968
Wisconsin State University — Whitewater	1968
Troy State University (Alabama)	1969
Northern State College (South Dakota)	1969
(Northern State College, like South Dakota State University, is under the jurisdiction of the Board of Regents of Education of the State of South Dakota.)	
Frank Phillips College (Texas)	1969
Dutchess Community College (New York)	1969
Central State University (Oklahoma)	1969
Broward Junior College (Florida)	1969
Detroit Institute of Technology	1969
Southeastern Louisiana University	1970
Indiana Institute of Technology	1970
Indiana State University	1970
Oklahoma State University	1970
The University of Mississippi	1970
Laredo Junior College (Texas)	1971
University of Florida	1971
Southern State College (Arkansas)	1971
Grambling College (Louisiana)	1971
Tennessee Wesleyan College	1971

Enquiries concerning the A.A.U.P. censure motion
should be directed to

The General Secretary
American Association of University Professors
One Dupont Circle, Washington, D.C. 20036
U.S.A.

**canadian association
of university teachers**

*association canadienne
des professeurs d'université*

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